

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1293
of Colorado River Communications)
Corporation of Las Vegas, Nevada,)
seeking authority to operate as a) GRANTED
resale common carrier of telecommuni-)
cations services within the state)
of Nebraska.) Entered: August 20, 1996

APPEARANCES:

For the Applicant

Kelly L. Perry
4275 East Sahara Ave. #6
Las Vegas, Nevada 89104

For the Communications Department

Chris A. Post/Deonne L. Bruning
300 The Atrium, 1200 N Street
P.O. Box 94927
Lincoln, Nebraska 68508

PRELIMINARY MATTERS

Colorado River Communications Corporation (hereinafter referred to as Colorado River) of Las Vegas, Nevada filed an application with the Commission on February 9, 1996. The company seeks authority to operate as a resale carrier of intrastate interLATA and intraLATA telecommunications services within the state of Nebraska. The applicant's business address is noted above. Notice of the application appeared in the Omaha Daily Record, February 12, 1996. Colorado River appeared before the Commission for a public hearing, chaired by Commissioner Rod Johnson, June 25, 1996 in the Commission Hearing Room, Lincoln, Nebraska.

BY THE COMMISSION

O P I N I O N A N D F I N D I N G S

Upon consideration of the application, the governing statutes and rules (1), the evidence adduced at the June 25, 1996 hearing, and being fully informed, the Commission is of the opinion and finds:

(1) Interexchange reseller applications are governed by Neb. Rev. Stats. 75-604 and 86-805 (Cum. Supp. 1994 and 1994 Reissue, respectively) and Title 291 Neb. Admin. Regs. Ch. 5, Rule 003.12.

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Nebraska was divided into three Local Access Transport Areas ("LATAs") as a result of the terms of the Modification of Final Judgement (the "MFJ") issued in the AT&T divestiture case. United States v. American Telephone & Telegraph Co., F.Supp. 131 (D.D.C. 1982), aff'd sub nom., California v. United States, 460 U.S. 1001 (1983) and United States v. American Telephone & Telegraph Co., 569 F.Supp. 990 (D.D.C. 1983) aff'd sub nom., California v. United States, 460 U.S. 1001 (1983).

While Neb. Rev. Stat. 75-604, by its language, refers to local exchange service, the Nebraska Supreme Court in Northwestern Bell Telephone v. Consolidated Telephone Co., 180 Neb. 268, 142 N.W.2d 324 (1966) held that long distance service is also subject to the provisions of the statute. This was recognized by the Legislature in LB 835 (LAWS 1986) because interexchange services (which include resellers) in Sec. 86-805 (part of LB 835) are referenced to in Sec. 75-604. For this reason, the Commission distinguishes between intraLATA and interLATA resale when deciding reseller applications.

Kelly Perry of Colorado River, testified. Mr. Perry stated, and the pleadings reflect, the applicant seeks both intraLATA and interLATA authority. The application also seeks authority to provide Alternate Operator Services (AOS). Colorado River is a privately-held company that incorporated in the state of Nevada in 1987.

The applicant has received authority to operate in approximately twenty-nine (29) states and has applications pending in several others. No state has denied Colorado River a certificate of authority.

The Commission requested that Colorado River filed an application for a certificate of authority after discovering that Colorado River was transacting business in the Nebraska without a certificate. Colorado River's violation could have resulted in a Cease and Desist order. However, Colorado River did respond to the Commission's request.

No officer, director or shareholder having 5% or more of Colorado River's voting securities nor any of Colorado River's business operating has been involved in a formal complaint or other investigative or enforcement proceeding. Customer service is provided through the use of a toll-free telephone number.

Colorado River proposes to provide 1+ and 0+ Alternate Operator Services to subscribers to and from all points in the State of Nebraska. The applicant will serve both business and residential markets as well as hotels and motels.

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The applicant utilizes independent sales agents to market its services. The company's direct billing is performed by both USBI and ZPDI.

Financial information was provided to the Commission in the application. The statements reflect the company is capable of offering service within the state.

Based on the testimony, the exhibits, and the proposed tariff, the applicant has provided the requisite information, has demonstrated its financial resources, and has proven to be technically competent to provide service. The application is fair and reasonable, is in the public interest, and should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1293 be, and it is hereby, granted and Colorado River Communications Corporation, of Las Vegas, Nevada is hereby authorized to operate as a **resale carrier of intrastate interexchange intraLATA and interLATA telecommunications services within the state of Nebraska, including alternate operator services.**

IT IS FURTHER ORDERED that the applicant shall file, in accordance with the applicable statutes on or before April 30th of each year, an annual report with this Commission consisting of (a) a copy of any report filed with the Federal Communications Commission, (b) a copy of any annual report to stockholders, (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission, (d) balance sheet and income statements for the previous year of operation and (e) for the State of Nebraska on a combined interstate-intrastate basis, the investment in telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses, and taxes.

IT IS FURTHER ORDERED that applicant file an updated tariff prior to offering service pursuant to the certificate granted in this order.

IT IS FINALLY ORDERED that this order be, and it is hereby made the Commission's official certificate of authority to furnish the service authorized herein as a common carrier.

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MADE AND ENTERED at Lincoln, Nebraska this 20th day of August, 1996.

COMMISSIONERS CONCURRING:



//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

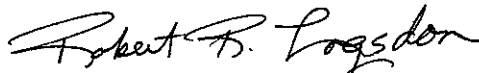
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman



ATTEST:



Executive Director