

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1307
of North American Telephone Net-)
work, LLC, of Atlanta, Georgia)
seeking authority to operate as) DISMISSED
a resale carrier of intrastate)
interLATA and intraLATA telecom-)
munications services within the)
state of Nebraska.) Entered: June 12, 1996

PRELIMINARY MATTERS

On March 12, 1996, the applicant, North American Telephone Network, LLC, of Atlanta, Georgia filed an application with the Commission for authority to transact business as a reseller of interexchange telecommunications within the State of Nebraska. Notice of the application was published in the Omaha Daily Record on March 14, 1996. No protests to the application were received.

BY THE COMMISSION

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

Based on rules, regulations and state statutes, all intra-state telecommunication providers must obtain a Certificate of Public Convenience and Necessity prior to operating within Nebraska. State statutes provide that no person, firm, partnership, limited liability company, corporation, cooperative or association shall offer any telecommunications services without first making an application for and receiving from the Commission a Certificate of Public Convenience and Necessity.

North American Telephone Network (hereinafter referred to as NATN) filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to offer interexchange services within the state of Nebraska.

NATN incorporated in October, 1995; however only an income statement for the month ending January 31, 1996 was supplied in the application, along with a balance sheet for the same date. By Commission Rule 003.12A15, a copy of applicant's last three annual financial statements, to include a balance sheet and profit and loss statement and evidence of adequate financing must be provided with the application. Since this company has not been operating for three years and therefore, does not have such financial statements, the company is to remit a proposed schedule showing the company's break-even point (see Rule 003.12A17). Further, the applicant's monthly statements since inception would provide evidence of adequate financing.

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On March 28, 1996, the applicant's consultant was notified by telephone that financial statements for 1995, even on a monthly basis were to be provided, as well as a pro forma statement for the application to be processed.

On April 18, 1996, no information had yet been remitted; thus, the applicant's consultant was sent a letter by first-class mail to remit the requested information on or before May 1, 1996. The letter provided that if the information would not be available by that date to contact the Commission. No contact was made in writing or orally and no information was remitted.

The company did not meet the May 1 deadline; yet, the Commission staff continued to make efforts to receive the necessary information to process this application. On May 8, 1996, the consultant was called. Again, on May 10, 1996, the consultant was called and notified that this information was necessary to process the application. No efforts have been made by the company's consultant to contact the Commission since that time and the information has still not been remitted.

We find that sincere and earnest efforts have been made by the staff to inform the company that additional information was needed and that ample time was given for the company to comply. For well over two months, the company has been aware of the deficiencies in its application and no attempts have been made to furnish the information.

By State Statute, 86-805(2)(a) and by Commission Rule and Regulation, 003.12B1, this Commission has the authority to dismiss applications for failure to provide information that is requested by the Commission. Most surely, this company has demonstrated a lack of cooperation and failure to provide information to this Commission. Accordingly, the application is dismissed.

If the company desires to operate within the state of Nebraska, a certificate of public convenience and necessity must be obtained prior to offering intrastate service to subscribers. Should the Commission learn that the company is violating this law, the company shall face administrative fines, as well as a cease and desist order immediately.

Based upon the above information, the Commission is hereby of the opinion that the application shall be dismissed.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1307 filed by North American Telephone Network, LLC, of Atlanta, Georgia be, and it is hereby dismissed.

IT IS FURTHER ORDERED that the applicant shall not provide intrastate interexchange intraLATA and interLATA services in the state of Nebraska until granted a Certificate of Public Convenience and Necessity.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of June, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s//Lowell C. Johnson

Vice Chairman

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

ATTEST:

Executive Director

