

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-1337
of Fone America of Portland, Oregon)	
seeking to obtain a certificate of)	
public convenience and necessity to)	DISMISSED
operate as a reseller of telecommuni-)	
cations services within the state of)	
Nebraska.)	Entered: August 1, 1996

PRELIMINARY MATTERS

On May 13, 1996, the applicant, Fone America of Portland, Oregon filed an application with the Commission for authority to operate as a resale common carrier of telecommunications services within the state of Nebraska. Notice of the application was published in the Omaha Daily Record on May 16, 1996.

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. Nebraska Revised Statutes, § 86-805 (Reissue 1994) and § 75-604 (Cum. Supp. 1994), state that the Commission may issue a certificate authorizing any telecommunication company to offer and provide interLATA and intraLATA interexchange services. These statutes go on to 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.

Fone America filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to operate within the state of Nebraska on May 13, 1996.

On June 7, 1996, the applicant was notified by phone that Fone America's application was missing the required Secretary of State certificate for doing business in Nebraska.

Again on June 21, 1996, the applicant was contacted requesting the needed Secretary of State certificate. Other attempts were made requesting the certificate, yet at this time no certificate has been provided by the applicant.

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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 operating within the state, the company may face administrative fines, as well as a cease and desist order.

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

O R D E R


IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1337 filed by Fone America of Portland, Oregon 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 1st day of August, 1996.

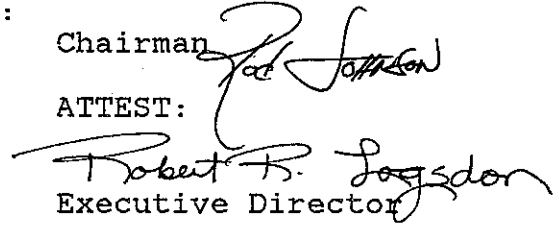
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


//s//Rod Johnson
//s//Frank Landis
//s//Daniel G. Urwiller

Chairman

ATTEST:


Executive Director