

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-1349
of Conetco Corporation d/b/a)	
Communications Network Corp. of)	
New York, New York seeking to)	
obtain a certificate of public)	DISMISSED
convenience and necessity to)	
operate as a reseller of tele-)	
communications services within)	
the state of Nebraska.)	Entered: July 9, 1996

PRELIMINARY MATTERS

On May 23, 1996, the applicant, Conetco Corporation d/b/a Communications Network Corp. of New York, New York filed an application with the Commission for authority to transact business as a reseller of intrastate interLATA and intraLATA telecommunications services within the State of Nebraska. Notice of the application was published in the Omaha Daily Record on May 28, 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. 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.

Conetco Corporation d/b/a Communications Network Corp. filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to operate within the state of Nebraska on May 23, 1996.

On July 3, 1996, the Commission was requested by the applicant to allow the company to withdraw the application as the company is presently in negotiations with its underlying carrier to adjust its cost structure.

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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

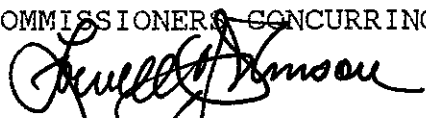
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1349 filed by Conetco Corporation d/b/a Communications Network Corporation of New York, New York be, and it is hereby dismissed.

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 9th day of July, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chairman

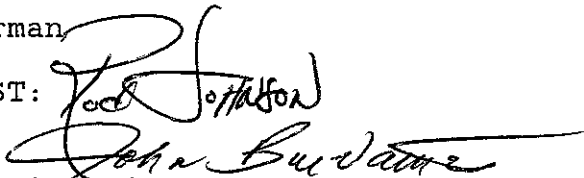
//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

ATTEST:



Deputy Executive Director