

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1377
of U.S. South Communications,)
Inc., dba U.S. South and INCOMM,)
of Atlanta, Georgia, seeking)
authority to operate as a resale) GRANTED
common carrier of telecommunica-)
tion services within the state of)
Nebraska.) Entered: October 22, 1996

APPEARANCES:

For the Applicant:
None

For the Commission Staff:
Hal Hasselbalch, Staff Attorney
300 The Atrium
Lincoln, Nebraska 68508

BY THE COMMISSION:

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

By application filed July 7, 1996, U.S. South Communications, Inc. dba U.S. South and INCOMM, of Atlanta, Georgia, seeks authority to provide intraLATA and interLATA resold telecommunications services within the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on July 19, 1996, pursuant to the rules of the Commission. No protests were filed. Hearing on the application was held by video communication on September 24, 1996.

Applicant produced one witness, Norman G. Conway, who testified: He is the manager of long distance service for applicant. The primary service applicant intends to offer is a calling card. Applicant will offer 1+ and 800 services. The cards will be merchandised by person-to-person contact and through distributors. Residential and commercial customers will be sought. The application is complete, but applicant has been granted authority in Indiana, Oregon and New York since the filing. No complaints are pending in any of the 31 states where applicant operates. Letters of agency must be received from any customer who wants service before service will commence.

Interexchange reseller applications are subject to Commission jurisdiction under Neb. Rev. Stat. 75-604 and 86-805 and Title 291 of the Commission's Rules and Regulations, Chapter 5, Rule 003.12. From examination of the application filed herein and the testimony adduced at the hearing, the Commission finds applicant has provided all the information required by the Commission; possesses adequate financial resources to provide the proposed service, and possesses adequate technical competency to provide the proposed service. The application should be granted.

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O R D E R

IT IS THEREFORE ORDERED BY THE Nebraska Public Service that Application Number C-1377 be, and it is hereby, granted and U.S. South Communications, Inc. dba U.S. South and INCOMM, of Atlanta, Georgia, is hereby authorized to operate as a resale carrier of intrastate interexchange intraLATA and interLATA telecommunications services within the state of Nebraska.

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) a balance sheet and income statement 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 its current 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.

MADE AND ENTERED at Lincoln, Nebraska this 22nd day of October, 1996.

COMMISSIONERS CONCURRING:

//s//Lowell Johnson
//s//Frank Landis
//s//James F. Munnelly
///s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director