

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1406
of PNG Telecommunications, of)
West Chester, Ohio, seeking autho-)
rity to operate as a resale common) GRANTED
carrier of telecommunication ser-)
vices within the state of Nebraska.) Entered: January 21, 1997

APPEARANCES:

For the Applicant:
Dennis Packer, Esq.
4555 Lake Forest Drive
650 Westlake Center
Cincinnati, Ohio 45202

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 September 3, 1996, PNG Telecommunications, West Chester, Ohio, seeks authority to provide intra-LATA and interLATA resold telecommunications services within the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on September 6, 1996, pursuant to the rules of the Commission. No protests were filed. Hearing on the application was held by video communication on November 7, 1996.

Applicant produced one witness, Bernie Stevens, who testified: He is president of PNG. He founded the company in 1992 to operate as a switchless reseller of long distance telecommunications service. He is owner of all Class A stock which has all the voting rights. Six other investors own the Class B stock. PNG offers resold 1+, 800 numbers and travel card services through underlying carriers. It does not offer debit cards. No deposits are required from customers. PNG bills most of its customers directly. PNG uses independent marketing services, fliers and displays in motels, trailer parks, airports and other high-traffic areas. PNG has had slamming complaints, five or so per month, because of errors in transmission of information by marketers. All five or six complaints filed with the FCC were resolved in the company's favor. PNG had a valid LOA in each case. An agent who submitted forged applications has been dismissed. Procedures are now in place to verify each application. Applicant is currently operating at a profit.

Interexchange reseller applications are subject to Commission jurisdiction under Neb. Rev. Stat. Sections 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

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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.

O R D E R

IT IS THEREFORE ORDERED BY THE Nebraska Public Service that Application Number C-1406 be, and it is hereby, granted and PNG Telecommunications, West Chester, Ohio, is hereby authorized to operate as a resale carrier of intrastate inter-exchange 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 21st day of January, 1997.

COMMISSIONERS CONCURRING:



//s//Anne C. Boyle

//s//Rod Johnson

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman



ATTEST:

Executive Director

