

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1436
of DeltaCom dba DeltaCom Long Dis-)
tance Services, of Arab, Alabama,)
seeking authority to operate as a) GRANTED
resale common carrier of telecom-)
munication services within the)
state of Nebraska.) Entered: February 4, 1997

APPEARANCES:

For the Applicant:
Tom Mullix, Esq.
700 Boulevard South, Suite 101
Huntsville, AL

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 November 7, 1996, DeltaCom dba DeltaCom Long Distance Services now located in Huntsville, Alabama, 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 November 11, 1996, pursuant to the rules of the Commission. No protests were filed. Hearing on the application was held by video communication on January 27, 1997.

Applicant produced one witness, Tom Mullix, who testified: He is the attorney for the applicant. Exhibit 1 shows the 25 states in which DeltaCom operates under certification, the 7 states where it operates without certification and the 14 states where certification is pending. DeltaCom wants to resell the long distance services of MCI and Allnet. It has facilities in Alabama, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana and Texas. Applicant uses direct salesmen, no telemarketers. Its sales brochures are shown in Exhibit 2. DeltaCom targets business customers but serves some residential subscribers. Internal procedures prevent slamming. The lawsuits shown in the financial statement furnished with the application have been settled.

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

Application No. C-1436

Page 2

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-1436 be, and it is hereby, granted and DeltaCom dba DeltaCom Long Distance Services, Huntsville, Alabama, 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 4th day of February, 1997.

COMMISSIONERS CONCURRING:



//s//Rod Johnson

//s//Frank E. Landis

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman



ATTEST:

Executive Director

