

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1478
of International Gateway Communica-)
tions, Inc. of Alsip, Illinois seeking)
to obtain a Certificate of Public Con-)
venience and Necessity to operate as a) DISMISSED
reseller of interexchange telecommun-)
ications services within the state of)
Nebraska.) Entered: April 14, 1997

PRELIMINARY MATTERS

On January 24, 1997, the applicant, International Gateway Communications, Inc. of Alsip, Illinois filed an application with the Commission for authority to operate as a resale common carrier of interexchange telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record on January 28, 1997.

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, Section 86-805 (Reissue 1994) and Section 75-604 (Reissue 1996), 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.

International Gateway Communications, Inc. (Gateway) filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to operate within the state of Nebraska on January 24, 1997.

On March 5, 1997, the applicant was notified by phone that Gateway's application was missing financial information required to assess the applicant's financial fitness. Furthermore, the applicant was informed that a business plan, projecting the applicant's future income and break even point, was required before the Commission would schedule a hearing.

Again on March 28 and April 1, 1997, the applicant was contacted requesting the necessary financial information. Other attempts were made orally and in writing requesting the information, yet at this time no financial information has been submitted.

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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 of the opinion that the application should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1478 filed by International Gateway Communications, Inc. of Alsip, Illinois be, and it is hereby dismissed.

IT IS FURTHER ORDERED that the applicant shall not provide 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 14th day of April, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Anne C. Boyle
//s//Rod Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller

Chairman



ATTEST:

Executive Director

