

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1542
of Coleman Enterprises, Inc., dba)
Local Long Distance, of St. Paul,) MOTION FOR RECONSIDERATION
Minnesota, seeking authority to) SUSTAINED
operate as a resale common car-) APPLICATION GRANTED
rier of telecommunication ser-)
vices within the state of)
Nebraska.) Entered: September 30, 1997

APPEARANCES:

For the Applicant:
None

For the Commission Staff:
Hal Hasselbalch, Staff
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 May 12, 1997, Coleman Enterprises, Inc., dba Local Long Distance, of St. Paul, Minnesota, 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 May 13, 1997, pursuant to the rules of the Commission. No protests were filed. Hearing on the application was held by video communication on August 5, 1997.

Applicant produced one witness, Daniel G. Coleman, who testified: He is president of applicant. The application filed is accurate. Applicant has authority in ten states and has applications pending in 22 others. Applicant seeks to offer 1+ dialing long distance service using Sprint as its underlying carrier. The service is sold through telemarketing. A copy of the script is shown as Exhibit 1. Applicant charges 25-cents-per-minute flat rate. A \$2.50 service fee is charged on accounts that are less than \$25 per month. Above that threshold, there is no fee. Billing is done through the local exchange carrier. Applicant has been in business one and one-half years and expects to be profitable soon. No complaints have been filed against applicant in any state.

During the taking of testimony, the Commission requested that applicant furnish a certified financial statement, updating the financial information furnished in the application, and provide a break-even analysis. Those documents were also requested in letters dated July 3, 1997, and August 15, 1997. Applicant failed to provide the required documentation. On September 9, 1997, the Commission entered an order in which it denied

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this application. Applicant timely filed a motion for rehearing and/or reconsideration and subsequently supplied the evidence which was lacking when this application was denied. The Commission finds that the motion for reconsideration should be sustained, its order of September 9 should be vacated; and the application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the order entered herein on September 9, 1997 be, and it is hereby, vacated and the application be, and it is hereby, granted subject to the following qualifications.

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 an updated tariff within thirty days.

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 30th day of September, 1997.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Anne C. Doyle

Vice Chairman

Lowell C. Johnson

//s//Lowell C. Johnson
//s//Frank E. Landis

ATTEST:

Robert B. Logsdon
Executive Director