

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1593  
of Access Point, Inc., Cary, North )  
Carolina, which seeks authority )  
to operate as a resale common ) GRANTED  
carrier of telecommunications )  
services within the state of )  
Nebraska. ) Entered: November 4, 1997

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, 1997, Access Point, Inc., of Cary, North Carolina, 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 9, 1997, pursuant to the rules of the Commission. No protests were filed. Hearing on the application was held by video communication on October 8, 1997.

Applicant produced one witness, Hugh Petty, who testified: He is vice president of operations of applicant. Certification has been granted applicant by 19 states. None have denied applicant authority. No complaints are pending in any state against applicant. Access Point offers 1+ and 800 switched and dedicated service. It sells its services through a network of dealers and agents. It targets small business and residential customers. Applicant has been billing since August, 1996. It had revenues of \$313,000 in its first six months of operations in 1997. Although its net was a loss of \$275,586, applicant projects that it will become profitable in January or February, 1998. Applicant bills its customers directly from Dublin, Ohio.

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 Com-

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mission; 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 Commission that Application Number C-1593 be, and it is hereby, granted and Access Point, Inc., Cary, North Carolina, 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 and (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission. If applicant is unable to file items (a), (b) and (c), it shall submit a copy of its balance sheet and income statement for the previous year of operation and schedules showing telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses, and taxes applicable to Nebraska operations or a statement that no operations were conducted.

IT IS FURTHER ORDERED that applicant file quarterly interim financial statements within 30 days after the end of the quarter for one year pursuant to Commission Rule 3.12(A) (17).

IT IS FURTHER ORDERED that applicant file a 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 4th day of November, 1997.

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Frank E. Landis*  
*Daniel G. Urwiller*

//s//Rod Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

*Robert H. Landis*

ATTEST:

*Robert H. Landis*  
Executive Director