

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Amended Appli-) Application No. C-1649
cation of WorldCom, Inc. and MCI)
Communications Corp. of Jackson,) MOTION SUSTAINED/
Mississippi, and Washington, D.C.,) APPLICATION DISMISSED
respectively, seeking approval to)
transfer control of MCI Communica-)
tions Corp. to WorldCom, Inc.) Entered: March 10, 1998

BY THE COMMISSION

On October 16, 1997, WorldCom, Inc. (WorldCom) filed an application to acquire control of MCI Communications Corp. Notice of the application was published in the Daily Record, Omaha, Nebraska, on October 17, 1997. A formal intervention was filed by GTE Midwest, Inc. (GTE).

On November 25, 1997, an amended application was filed jointly by WorldCom and MCI requesting authorization to transfer the control of MCI to WorldCom. Notice of the amended application was published in the Daily Record, Omaha, Nebraska, on November 27, 1997. A protest to the amended application was filed by GTE on December 24, 1997.

On December 8, 1997, the applicants filed a motion of opposition to GTE's formal intervention and requested that the Commission deny GTE's involvement in the proceeding. On January 9, 1998, the applicants filed a motion of opposition to the protest filed by GTE and restated that GTE should not be a party in the docket. GTE filed a reply to the motion on January 15, 1998. On February 3, 1998, the Commission overruled the motions and permitted GTE to be a protestant in the amended application.

On February 20, 1998, the applicants filed a motion for dismissal stating the Commission lacked jurisdiction to approve the proposed merger.

O P I N I O N A N D F I N D I N G S

Upon review of the applicable statutes and case law, we find the Commission is without jurisdiction to hear this matter. Accordingly, the applicants' motion to dismiss should be sustained.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1649 be, and it is hereby, dismissed without prejudice.

IT IS FURTHER ORDERED that the hearing previously scheduled for March 25, 1998, be, and it is hereby, cancelled.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of March, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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