

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re: Application of Teleglobe,) Application No. C-1887
Inc., Montreal, Canada, and Excel)
Communications, Dallas, Texas,) Application Dismissed
jointly seeking authority for)
plan of merger.) ENTERED: September 1, 1998

BY THE COMMISSION:

On August 20, 1998, Teleglobe, Inc. of Montreal, Canada and Excel Communications of Dallas, Texas, jointly filed an application seeking Commission authority to merge. Notice of the application was published in the Daily Record, Omaha, Nebraska, on August 21, 1998.

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

On February 3, 1998, upon its own motion, the Commission opened Application No. C-1746/PI-19 to determine when it has jurisdiction to approve or deny proposed mergers or other transfers of control concerning regulated common carriers. After review of the applicable statutes and case law, we concluded in a March 10, 1998, Clarification Order that: "When a transfer of control occurs at the holding company level and does not involve a change in the certificated entity, we conclude the Commission does not have jurisdiction to approve or deny the proposed transaction." Authorization to merge is required if the entity is directly involved in the transaction and is significantly involved in providing intrastate telecommunications services to Nebraska consumers.

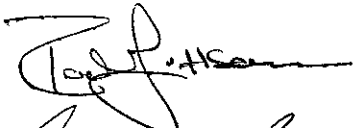

In the present application, the proposed merger involves a transfer at the holding company level between parties that are not significantly involved in the provision of Nebraska intrastate telecommunications service. Therefore, we find the Commission is without jurisdiction to hear this matter. Accordingly, the application should be dismissed without prejudice.

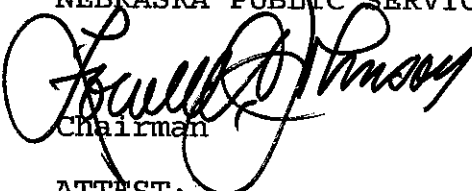
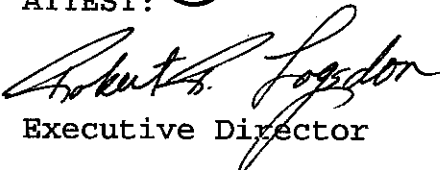
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1887 be, and it is hereby, dismissed without prejudice.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION



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


Chairman
ATTEST:

Executive Director