

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application     ) Application No. C-1894  
of Tel-West Communications, LLC     )  
of Monrovia, California, seeking     )  
authority to operate as a local     ) DISMISSED WITHOUT PREJUDICE  
exchange carrier of telecommuni-     )  
cations services within the state     )  
of Nebraska.                         ) Entered: July 27, 1999

BY THE COMMISSION:

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

On August 31, 1998, Tel-West Communications, LLC (Applicant or Tel-West) of Monrovia, California, filed an application seeking authority to operate as a local exchange carrier of telecommunications services in Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on September 4, 1998.

Competitive local exchange carrier (CLEC) applications are governed by Title 291 of the Commission's Rules and Regulations, Chapter 5, Section 002.49. Specifically, Section 002.49C lists the requirements all CLEC applications must fulfill to be considered by the Commission. From examination of the application filed by Tel-West, the Commission finds that the application fails to comply with several of the specified requirements. Among the unsatisfied requirements: the applicant neglected to provide evidence of its authority to transact business in Nebraska (Section 002.49C1b); the applicant failed to provide evidence of its technical competency (Section 002.49C9); the applicant failed to provide proof of adequate financial capabilities (Section 002.49C10). In addition to these basic defects, the applicant referenced the incorrect Commission Rule throughout their entire application.

During the approximately eleven months since the filing of the application, the applicant has failed to correct the many defects in its application, despite numerous attempts by Commission staff to facilitate its progression. Commission staff contacted Tel-West in January 1999, to assist them in reforming their application. Further communications were held in April 1999, during which the applicant was warned that their application might be subject to dismissal if the application defects were not corrected. Efforts during July 1999 to once again rehabilitate the application also

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proved to be futile. The Commission is of the opinion that the application should be dismissed. Should the applicant desire to provide local exchange telecommunications services in Nebraska, an additional application, conforming to the Commission's own Rules and Regulations must be filed.

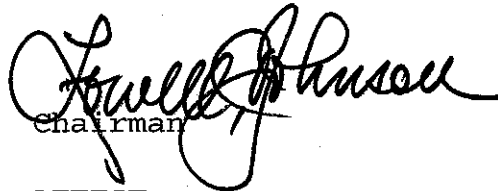
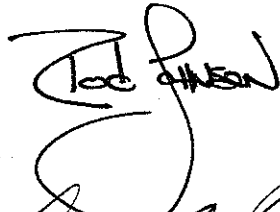
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1894 be, and it is hereby, dismissed without prejudice.

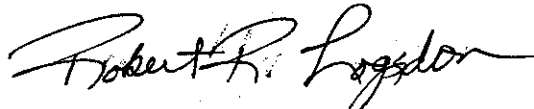
MADE AND ENTERED at Lincoln, Nebraska, this 27th day of July, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chairman

ATTEST:



Executive Director

//s//Lowell C. Johnson  
//s//Daniel G. Urwiller