

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-2091  
of OneStar Long Distance, Inc. of )  
Evansville, Indiana, seeking )  
approval of the transfer of long ) GRANTED  
distance customer base of Netel, )  
Inc., dba Tel3 of Fort Lauderdale, )  
Florida, to OneStar Long Distance. ) Entered: November 4, 1999

BY THE COMMISSION:

By application filed August 4, 1999, OneStar Long Distance, Inc. (OneStar) of Evansville, Indiana, seeks approval of the transfer of the long distance customer base of Netel, Inc., dba Tel3 (Tel3) of Fort Lauderdale, Florida, to OneStar. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 5, 1999. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

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

OneStar is a privately-held corporation organized under the laws of Indiana. OneStar provides resold interexchange telecommunications services in many states, and received authority to provide such service in Nebraska on August 9, 1994, pursuant to Docket No. C-1071.

Tel3 is a Delaware corporation, and was originally authorized by this Commission to provide resold interexchange telecommunications services on October 31, 1995, pursuant to Docket No. C-1173. Tel3's certification was revoked by this Commission on August 10, 1999, in Docket No. C-2051/DC-29, for failure to file an annual report with the Commission.

This Commission is granted authority to approve, condition or deny proposed transfers of control by several sections of the Nebraska Revised Statutes and Commission Rules and Regulation. See Neb. Rev. Stat. Sec. 75-146; Title 291 Neb. Admin. R. & Regs. Chapter 5, Section 002.26. This authority, as further articulated in the Commission's March 10, 1998, Clarification Order in Docket No. C-1746/PI-19, extends to transactions "directly involving a Nebraska certificated entity." (emphasis added) See Clarification Order, pg. 6. Therefore, despite the revocation of Tel3's authority since the filing of this application, we retain jurisdiction over this transaction due to the status of OneStar as a certificated entity.

The proposed transfer of control stems from an order of the United States Bankruptcy Court for the Southern District of Florida, in relation to Tel3's filing for bankruptcy. Under the

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order of the Bankruptcy Court, Tel3 is authorized and directed to sell its long distance customer base to OneStar.

OneStar will provide service to former Tel3 customers under the same rates, terms and conditions those customers previously received. Customers have received notification of the change in communications providers and will not be inconvenienced by the change.

Upon further review of the financial, technical and managerial capabilities of OneStar, the Commission finds the application to be fair and reasonable and in the public interest. The application should be granted.

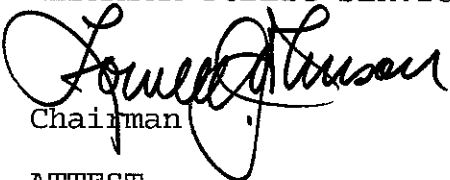
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2091 be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of November, 1999.

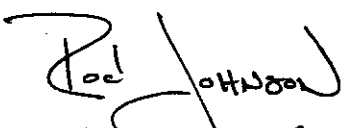

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

ATTEST:

  
Executive Director

  
  
//s//Lowell C. Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller