

BEFORE THE NEBRASKA PUBLIC SERVICE
COMMISSION

In the Matter of the Application) Application No. C-2094
of CI², Inc., Atlanta, Georgia,)
seeking to obtain a Certificate of)
Public Convenience and Necessity) GRANTED
to provide local competitive)
telecommunications services)
within the state of Nebraska.) Entered: December 15, 1999

APPEARANCES:

For the Applicant:	For Arapahoe Telephone; Com-
Jon Bruning, Attorney-at-Law	pany; Benkelman Telephone
1079 N. 204th Avenue	Company; Cozad Telephone Com-
Elkhorn, Nebraska	pany; Wauneta Telephone Com-
	pany;
	Hemingford Cooperative Tele-
	phone Company; and Henderson
	Cooperative Telephone Company:

For the Commission:	Mark A. Fahleson
Michael T. Loeffler	Rembolt, Ludtke & Berger
300 The Atrium	1201 Lincoln Mall, Suite 102
1200 "N" Street	Lincoln, Nebraska 68508
Lincoln, Nebraska 68508	

BY THE COMMISSION:

By its application filed August 2, 1999, CI², Inc., Atlanta, Georgia, (Applicant or CI²) seeks authority to obtain a Certificate of Public Convenience and Necessity to provide local competitive telecommunications services within the state of Nebraska. Notice of the application appeared in The Daily Record on August 11, 1999. The following parties filed petitions of formal intervention: Arapahoe Telephone Company; Benkelman Telephone Company; Cozad Telephone Company; Wauneta Telephone Company; Hemingford Cooperative Telephone Company; and Henderson Cooperative Telephone Company (collectively, Intervenor). A hearing was held December 7, 1999 in the Commission Hearing Room, Lincoln, Nebraska, with appearances as shown above.

In support of its application, applicant produced one witness, Beverly Jackson, the manager of regulatory affairs for CI², Ms. Jackson testified as follows:

Applicant is a corporation privately-held by Willa Andrella Baylis who is president and chief executive officer for CI².

The company has started negotiations with US West for an interconnection agreement. CI² already has a resale agreement with Bell South and is in the process of negotiating a resale agreement with Bell Atlantic.

The applicant will not have any employees in Nebraska. Applicant plans to offer local exchange service and intrastate toll service. The applicant currently has one customer, the United States Army Reserve, and the applicant seeks a competitive local exchange carrier (CLEC) certificate in order to offer their client discounted rates. The company does plan to offer services to residential and commercial customers in the near future. Customers will be directly billed by the applicant for services rendered. The company will resell operator and 911 and E-911 services. CI² plans to operate within the service areas of US West, Aliant (sic) and GTE.

The applicant has entered into a stipulation with the representative for the intervenors in this application and have agreed to forego operating or offering services within the service areas of the intervenors.

As far as managerial expertise, CI² employs many individuals who have worked for the local exchange carriers including Sprint, MCI, AT&T, and Bell South. Ms. Jackson testified that she believed that her company has the necessary managerial expertise for certification.

Ms. Jackson further testified that the application will serve the public interest by enhancing competition and consequently lowering rates for Nebraska consumers.

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

The Commission considers this application for authority in light of the following criteria and standards established in the Commission's telecommunications rules:

- (a) Whether applicant has provided the information required by the Commission;
- (b) Whether applicant has provided a performance bond, if required;
- (c) Whether applicant possesses adequate financial resources to provide the proposed service;
- (d) Whether applicant possesses adequate technical competence and resources to provide the proposed service;
- (e) Whether applicant possesses adequate managerial competence to provide the proposed service; and
- (f) Whether granting applicant a Certificate preserves and advances universal service, protects the public safety and welfare, ensures the continued quality of telecommunications services and safeguards the rights of consumers, pursuant to Section 253(b) of the Telecommunications Act of 1996 (Act).

Applicant has demonstrated that it meets the standards of financial, technical and managerial competence and all other criteria necessary to

provide local exchange service on a resale basis in Nebraska. No party to this proceeding refuted the applicant's competence. No performance bond is required.

Before the applicant is allowed to provide local exchange service to its users:

(a) The applicant, either through negotiation or adoption, must reach an interconnection agreement with US West, GTE, ALLTEL or Sprint;

(b) The Commission must approve the interconnection agreement; and

(c) Applicant must file, and the Commission must approve, a tariff in accordance with the provisions of Section 002.21 of Neb. Admin. R. & Regs. Title 291, Chapter 5.

Further, prior to providing local exchange service to any area outside the respective service areas noted in the testimony of the applicant, namely US West, ALLTEL and GTE, the applicant must obtain additional authority from this Commission to expand its service territory.

Applicant has entered into a stipulation with the intervenors not to oppose the application; however, the intervenors maintain the right and opportunity to contest any future application of the applicant to expand its service territory. Nothing in the stipulation shall in any way limit applicant's right in connection with any such future application to demonstrate to the Commission, applicant's satisfaction of any such criteria or standards established by the Commission.

As a provider of local exchange service in the state of Nebraska, the applicant should be subject to the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange company except those obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2094 be, and it is hereby, granted.

IT IS FURTHER ORDERED that upon final approval of the interconnection agreement and tariff, applicant is granted authority to provide local exchange service on a resale basis in the areas served by US West, ALLTEL and GTE. The applicant must make further application to this Commission for authority to provide local exchange service outside these areas.

IT IS FURTHER ORDERED that applicant shall abide by the same

laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to other local exchange carriers except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

IT IS FURTHER ORDERED that applicant shall file, in accordance with the applicable statutes, on or before April 30 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 such reports are unavailable, applicant shall file a balance sheet and income statement for the previous year of operation, and for the State of Nebraska on a combined interstate-intrastate basis, the investment in telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses, and taxes.

IT IS FINALLY ORDERED that this order be, and hereby is made, the Commission's official Certificate of Public Convenience and Necessity to applicant to provide local exchange service within the territory described herein in Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of December, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

This document was created with Win2PDF available at <http://www.daneprairie.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.