

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. C-2110  
Nebraska Supercomm, LLC, Pierce, )  
Nebraska, seeking authority to oper- ) GRANTED WITH  
ate as a competitive local exchange ) RESTRICTION  
carrier of telecommunications ser- )  
vices within the state of Nebraska. ) Entered: October 26, 1999

APPEARANCES:

For the Applicant:                      For the Intervenor:  
Jon Bruning                              Timothy F. Clare  
Attorney at Law                          Mark A. Fahleson  
1079 N. 204th Ave.                      Rembolt Ludtke & Berger  
Elkhorn, Nebraska 68022                  1201 Lincoln Mall, Suite 102  
    Lincoln, Nebraska 68508  
For the Commission:  
Chris Post  
300 The Atrium  
1200 "N" Street  
Lincoln, Nebraska 68508

BY THE COMMISSION:

By its application filed August 24, 1999, Nebraska Supercomm, LLC (Applicant) seeks authority to operate as a competitive local exchange carrier of telecommunications services within the state of Nebraska. Notice of the application appeared in The Daily Record on August 26, 1999. The following parties filed Petitions of Formal Intervention: Arapahoe Telephone Company; Benkelman Telephone Company, Inc.; Cozad Telephone Company; Diller Telephone Company; Hemingford Cooperative Telephone Company; Henderson Cooperative Telephone Company; and Wauneta Telephone Company (collectively referred to hereafter as the Intervenor). A hearing on the application was held September 29, 1999, in the Commission Hearing Room, Lincoln, Nebraska, with appearances as shown above.

In support of its application, the applicant produced one witness, Troy Sandelin, president of the applicant, who testified as follows:

Mr. Sandelin testified that the applicant was organized as a Nebraska limited liability company in August 1999. It is a wholly-owned subsidiary of Pierce Telecommunications Company. Pierce Telecommunications is the parent company of Pierce Telephone, Nebraska Long Distance, and a couple of other entities. The holding company, Pierce Telecommunications, is privately-owned by Mr. Sandelin and related family members.

The ownership and management of Nebraska Supercomm have extensive experience in the telecommunications industry in Northeast and North-Central Nebraska through the operations of Pierce Telecommunications and its wholly-owned subsidiaries. The applicant has developed significant technical expertise as

demonstrated by Pierce Telecommunications' successful business operations serving broad geographical areas on a reasonable and competitive rate basis.

The applicant has never been denied a certificate for local authority in any other state. Furthermore, it has never been the subject of a formal complaint in any other state.

Nebraska Supercomm intends to provide local exchange service and private line services. The specific types of services Nebraska Supercomm plans to offer include, but are not limited to: two-way lines/trunks, direct inward/outward dialing options, local calling, operator-assisted services, directory assistance, dual party relay, other special needs service and 911 emergency services.

Mr. Sandelin also presented testimony showing that the applicant has sufficient financial resources to implement and provision its local exchange telecommunications services. Financial documentation provided by the applicant demonstrates that applicant is financially qualified to provide the proposed telecommunications services.

Mr. Sandelin further testified that granting of the application will promote the public interest by expanding the availability and variety of high quality telecommunications services in Nebraska. Increased competition has proven to benefit consumers by providing a wide variety of services and prices from which consumers can choose.

Upon questioning by the intervenors and staff, the applicant acknowledged that it was affiliated with a Nebraska incumbent local exchange carrier (ILEC). As such, the applicant would potentially fall under the limitations set forth in the Commission's "in-region" competitive local exchange orders.

#### 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 the applicant has provided the information required by the Commission;
- (b) Whether the applicant has provided a performance bond, if required;
- (c) Whether the applicant possesses adequate financial resources to provide the proposed service;
- (d) Whether the applicant possesses adequate technical competence and resources to provide the proposed service;

(e) Whether the applicant possesses adequate managerial competence to provide the proposed service; and

(f) Whether granting the 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 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 throughout the state of Nebraska. No evidence was submitted or testimony elicited to suggest that the applicant is not qualified to provide its proposed services in light of the criteria this Commission must consider.

However, in light of Commission findings in Docket No. C-1839/PI-22, the Commission is of the opinion and finds that the certification of the applicant should be limited within the service territory served by its affiliated ILEC, to provision of basic local exchange service only to multi-location customers with locations inside and outside of the affiliated ILEC's service territory. In providing such service, the applicant must adhere to the conditions and limitations set forth in Docket C-1839/PI-22. Should the applicant desire to provide service in an unlimited fashion in its affiliated ILEC's territory, it must reapply for such authority at a later date.

For the above reasons, the Commission is of the opinion and finds that Application No. C-2110 should be granted with the above restriction.

#### O R D E R

IT IS THEREFORE ORDERED by the Commission that Application No. C-2110 be and is hereby granted, and Nebraska Supercomm is authorized to provide local exchange telecommunications services throughout the state of Nebraska subject to the restriction set forth above.

IT IS FURTHER ORDERED that the applicant comply with Section 251(f)(1)(B) of the Telecommunications Act of 1996 and that the Applicant submit any bona fide request(s) for interconnection, services, or network elements from a rural telephone company to the Commission for its approval.

IT IS FURTHER ORDERED that applicant is obligated to 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, to the extent the applicant provides access line service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-1302 - 86-1306 (Relay Act) and defined in Neb. Admin. R. & Reg. tit. 291, ch. 5, § 001.01B, the applicant shall collect from its subscribers a surcharge (Relay Surcharge) pursuant to the Relay Act and the Commission's annual orders establishing the amount of the Relay Surcharge, and shall remit to the Commission the proceeds from the Relay Surcharge, as provided by the Relay Act.

IT IS FURTHER ORDERED that the applicant comply with all necessary statutes and Commission rules and regulations as they pertain to the Nebraska Universal Service Fund.

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

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of October, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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