

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-2128
of New Edge Network, Inc., d/b/a)	
New Edge Networks of Vancouver,)	ORDER VACATING ORIGINAL
Washington, seeking to obtain a)	ORDER AND ISSUING NEW
Certificate of Public Convenience)	CERTIFICATE
and Necessity to provide resold)	
and facilities-based, switched and)	
dedicated, local exchange)	
telecommunications services.)	Entered: December 21, 1999

BY THE COMMISSION:

By its application filed September 29, 1999, New Edge Network, Inc., d/b/a New Edge Networks, Vancouver, Washington (Applicant or New Edge) sought authority to obtain a Certificate of Public Convenience and Necessity to provide resold and facilities-based, switched and dedicated, local exchange telecommunication services throughout the state of Nebraska. Notice of the application appeared in The Daily Record on September 30, 1999. The following parties filed petitions of formal intervention: Arapahoe Telephone Company; Benkelman Telephone Company; Cozad Telephone Company; Wau-neta Telephone Company; Hemingford Cooperative Telephone Company; and Henderson Cooperative Telephone Company (collectively, Inter-venors). A hearing was held December 7, 1999, in the Commission Hearing Room, Lincoln, Nebraska.

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

On December 15, 1999, this Commission entered an order granting a Certificate of Public Convenience and Necessity in this docket. Because of a Commission error, the certificate issued and certain statements regarding the applicant's agreement to a stipulation with the intervenors were incorrectly noted in the order granting the certificate. Because the nature of the errors was substantive and falls beyond the scope of a *nunc pro tunc* order, the Commission, in order to correct the aforementioned errors, finds that the original certificate on December 15, 1999, should be vacated and that a new order should be issued. The Commission incorporates all testimonial references of the December 15, 1999, order into this order.

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 facilities-based and 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 resold local exchange service to its users:

- (a) The applicant, either through negotiation or adoption, must reach an interconnection agreement with the relevant local exchange provider;
- (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.

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 original order in Application No. C-2128 entered on December 15, 1999, should be, and it is hereby, vacated.

IT IS FURTHER ORDERED that a Certificate of Public Convenience and Necessity as requested in the original application, giving the applicant statewide authority to provide resold and facilities-based, switched and dedicated, local exchange telecommunications services be, and 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 facilities-based or resale basis throughout the state. The applicant must make further application to this Commission when making a bona fide request for interconnection with a rural exchange carrier.

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.

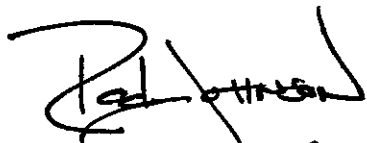

IT IS FURTHER ORDERED that applicant shall file, in accordance with the applicable statutes, on or before April 30 of each year, an annual report with this Commission consisting of: (a) a copy of any report filed with the Federal Communications Commission; (b) a copy of any annual report to stockholders; 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 throughout the state of Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of December, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

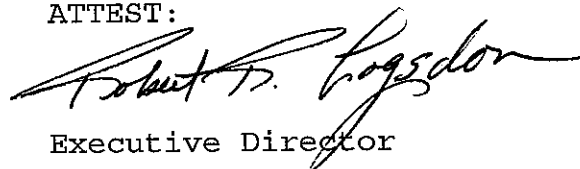
COMMISSIONERS CONCURRING:

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


Chairman

ATTEST:


Executive Director

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