

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-2192
of Comm South Companies, Inc.,)	
Dallas, Texas, seeking authority)	
to operate as a resale common)	ORDER NUNC PRO TUNC
carrier of local exchange)	
telecommunications services)	Entered: May 16, 2000
within the state of Nebraska.)	

BY THE COMMISSION:

On May 2, 2000, this Commission entered an order granting the application of Comm South Companies, Inc., Dallas, Texas, (Applicant) to operate as a resale carrier of local exchange telecommunication services within Nebraska. Due to Commission error, the recital of facts incorrectly indicated that no formal petitions of formal intervention were filed against the application. In fact, a petition of formal intervention was filed by attorney, Timothy Clare, on January 20, 2000, on behalf of Arapahoe Telephone Company, Benkelman Telephone Company, Cozad Telephone Company, Hemingford Cooperative Telephone Company, Henderson Cooperative Telephone Company and Wauneta Telephone Company.

At the April 5, 2000, hearing, the applicant offered, and the Commission accepted without objection, a stipulation entered into by the parties (Ex. 5). The stipulation, among its provisions, that the applicant meets the criteria and standards to provide local exchange service in areas in the state currently served by GTE Midwest, Inc. (GTE); ALLTEL; US West Communications, Inc. (US West); and United Telephone Company of the West (also, Sprint United). The order entered into on May 2, 2000, did not reflect the entry of the stipulation nor the consequences of the entry of the stipulation between the parties. This order seeks to correct those omissions. First, the Commission finds that the stipulated agreement between the parties is accepted.

Accordingly, the Commission finds that, before the applicant is allowed to provide local exchange service to its users, it must either:

- (1) Through negotiation or arbitration reach an interconnection/resale agreement with GTE, ALLTEL, US West and/or Sprint United; or,
- (2) In the event a certified local exchange carrier provides a wholesale tariff, purchase rates from that tariff or file its own tariff and receive Commission approval of its own tariff.

In addition, the Commission finds that:

- (1) This order does not terminate, waive nor diminish in any manner the exemptions and protections created by the federal Telecommunications Act of 1996 (Act) for rural carriers nor does this order address the issue of the rural local exchange carriers' exemption under the fede-

ral Act. Rural exemptions may be terminated, suspended, waived or modified only as provided under Section 251(f) of the Act; and

- (2) That, prior to providing local exchange service in any area of the state, the applicant must file, and the Commission must approve, tariffs in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs., Title 291, Chapter 5.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2192, which was granted May 2, 2000, be, and it hereby, remains in effect as granted but amended in accordance with the findings contained herein.

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 or facilities basis to the areas presently served by GTE Midwest, Inc.; ALLTEL; US West Communications, Inc.; and United Telephone Company of the West and that this order replaces and supercedes the grant of authority in the order of May 2, 2000, pursuant to our findings herein.

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 presently served by GTE Midwest, Inc., ALLTEL, US West Communications, Inc., and United Telephone Company of the West.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of May, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis
Chairman

Anne C. Boyle

Frank E. Landis

//s//Frank E. Landis

ATTEST:

Robert R. Logsdon
Executive Director