

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2204
of Pathnet, Inc. of Washington,)
D. C., seeking authority to)
provide interLATA interexchange) GRANTED
telecommunications services)
within the state of Nebraska.) Entered: February 29, 2000

BY THE COMMISSION:

By application filed January 20, 2000, Pathnet, Inc. (Applicant or Pathnet) of Washington, D. C., seeks authority to provide interLATA interexchange telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on January 24, 2000. 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

Pathnet is a corporation, organized under the laws of the state of Delaware and has received authority to conduct business in Nebraska from the Secretary of State. Pathnet is a facilities-based interexchange resale carrier proposing to provide interexchange telecommunications services to residential and business customers in the state of Nebraska. Pathnet has already applied for and has been granted authority to provide local exchange telecommunications services throughout the state of Nebraska (Application No. C-2105, granted 12/21/99). Pathnet will provide services through its own facilities or in combination with other certificated carriers. Pathnet will handle billing within their company. Pathnet will have customer service available through a toll-free 800 number during normal business hours. Pathnet filed evidence demonstrating its financial, managerial and technical competency.

Interexchange reseller applications are subject to Commission jurisdiction under Neb. Rev. Stat. §§ 75-604 and 86-805 and Title 291 of the Commission's Rules and Regulations, Chapter 5, Rule 003.12. From examination of the application filed herein, the Commission finds the applicant has provided all the information required by the Commission, possesses adequate financial resources to provide the proposed service and possesses adequate technical and managerial competency to provide the proposed service. The application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2204 be, and it is hereby, granted

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and Pathnet, Inc. is authorized to operate as a resale carrier of intrastate telecommunications services in Nebraska.

IT IS FURTHER ORDERED that the applicant shall file, in accordance with the applicable statutes on or before April 30th 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 these are not available, applicant shall submit a balance sheet and income statement for the previous year of operation, as well as the investment made in telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues and expenses and taxes.

IT IS FURTHER ORDERED that, to the extent applicable, Pathnet shall comply with all Nebraska statutes and the rules and regulations of this Commission including, but not limited to the Telecommunications Relay System Act (Neb. Rev. Stat. §§ 86-1302 to 86-1307) and the Nebraska Telecommunications Universal Service Fund Act (Neb. Rev. Stat. §§ 86-1402 to 86-1410).

IT IS FURTHER ORDERED that Pathnet file its current tariff prior to offering service pursuant to the certificate granted in this order.

IT IS FINALLY ORDERED that this order be, and it is hereby made, the Commission's official certificate of authority to furnish the service authorized herein as a common carrier.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of February, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

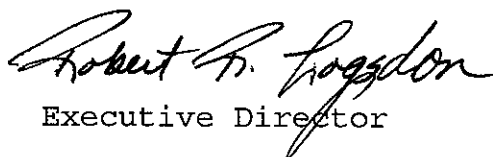


//s//Rod Johnson

//s//Frank E. Landis


Chairman

ATTEST:


Executive Director