

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-2362  
of Telergy Network Services of )  
East Syracuse, New York, seeking )  
authority to obtain a certificate ) GRANTED  
of authority to provide resold )  
and facilities-based interexchange )  
services within the state of )  
Nebraska. ) Entered: September 12, 2000

BY THE COMMISSION:

By application filed August 7, 2000, Telergy Network Services, Inc. (Telergy) of East Syracuse, New York, seeks authority to obtain a certificate of authority to provide resold and facilities-based interexchange services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 9, 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

Telergy is a privately-held New York company, principally located in East Syracuse, New York. Telergy has obtained authorization from the Secretary of State to conduct business in Nebraska. Telergy is currently providing telecommunications services in New York and Rhode Island, and possesses authority to provide local exchange and/or interexchange service in 13 other states.

Telergy intends to provide a wide variety of interexchange services to both residential and business customers throughout the entire state of Nebraska. Telergy initially plans to offer services on a resale basis. Telergy does not own or lease any facilities in Nebraska, but does own switches in New York and New Jersey, and may at some point in the future utilize these facilities when providing service to Nebraskans.

Telergy is well qualified to provide service in Nebraska. Telergy's management team possesses a significant amount of experience in the telecommunications and business industry. Telergy is also financially capable of offering high quality service in Nebraska.

Application No. C-2362

PAGE 2

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 Telergy has provided all the information required by the Commission, possesses adequate financial resources to provide the proposed service and possesses adequate technical 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-2362 be, and it is hereby, granted and Telergy Network Services, Inc. is authorized to operate as a resale common carrier of interexchange telecommunications services within the state of 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, the applicant shall comply with all laws pertaining to, and all rules and regulations promulgated under, 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 applicant 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.

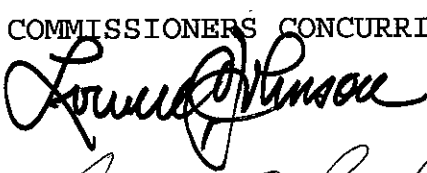
Application No. C-2362

PAGE 3

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of  
September, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Frank E. Landis  
//s//Daniel G. Urwiller

  
Chairman

ATTEST:

  
Executive Director

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