

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2369
of Utility.com, Inc. of Emery-)
ville, California, seeking)
authority to operate as a) GRANTED
resale common carrier of tele-)
communications services within)
the state of Nebraska.) Entered: September 26, 2000

BY THE COMMISSION:

By application filed August 17, 2000, Utility.com, Inc. (Applicant) of Emeryville, California, seeks authority to operate as a resale common carrier of telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 18, 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

Applicant is a Delaware corporation that has received authority from the Secretary of State to conduct business in Nebraska. Applicant is an interexchange resale carrier that is in the process of obtaining certifications in 49 of the 50 states. Applicant intends to provide switched and dedicated access 1+ long distance services, pre- and post-paid calling cards, toll-free service and directory assistance to customers throughout the entire state of Nebraska. Because applicant neither owns nor leases facilities in Nebraska, it will utilize the network of MCI WorldCom and other certificated carriers in the provisioning of service.

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 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-2369 be, and it is hereby, granted

Application No. C-2369

PAGE 2

and Utility.com, Inc. is authorized to operate as a resale common carrier of 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 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 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.

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of September, 2000.

COMMISSIONERS CONCURRING:

Robert Johnson
Ann C. Boyle

Ted Johnson

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

NEBRASKA PUBLIC SERVICE COMMISSION

Frank Landis
Chairman

ATTEST:

And S. Pollack
Executive Director