

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application     )     Application No. C-2386  
of Premiere Network Services, Inc., )  
DeSoto, Texas, seeking authority     )  
to operate as a competitive     )     GRANTED  
carrier of telecommunications     )  
services within the state of     )  
Nebraska on both a facilities-     )  
based and resold basis.     )     Entered: January 23, 2001

APPEARANCES:

For the Applicant:  
Eric A. Anderson  
14301 FNB Parkway, Suite 207  
Omaha, Nebraska 68154

For the Commission:  
Michael T. Loeffler  
300 The Atrium  
1200 N Street  
Lincoln, Nebraska 68508

BY THE COMMISSION:

By its Application filed September 1, 2000, Premiere Network Services, Inc. (Premiere or Applicant) of DeSoto, Texas, seeks to obtain a certificate to operate as a competitive carrier of telecommunications services on both a facilities-based and resold basis. Applicant also seeks authority to offer interexchange telecommunications services within the state of Nebraska. Notice of the application appeared in The Daily Record on September 6, 2000. There were no petitions of formal intervention filed.

On December 22, 2000, the executive director of this Commission sent by first class mail a copy of the notice of hearing. A hearing was held on January 16, 2001, in the Commission Library, Lincoln, Nebraska, with appearances as shown above.

In support of its application, applicant produced one witness, Jacquetta Peace, director of legal and regulatory affairs and special projects for the applicant. Ms. Peace testified that Premiere is a privately-held company located in DeSoto, Texas which has legal authority to conduct business in the state of Nebraska.

Premiere intends to offer a full range of telecommunications services including, but not limited to, ATM, ISDN/ASDL services, local exchange and extended area service, interLATA and intraLATA services, switched access services and private line services. Premiere intends to launch service by reselling UNEs from the incumbent local exchange carriers in the state. The applicant will employ a combination of its own and third-party equipment, services and facilities. Premiere will collocate to access UNEs offered by incumbents. Premiere intends to commence service within the state by the third quarter of this year.

Premiere is now certified in 30 states and seeks authority to provide its applied-for services throughout the state subject to the rural exemption as provided in the federal Telecommunications Act of 1996.

Ms. Peace described the managerial and technical experience and expertise of Premiere. The corporate officers have a combined 100 years of experience in telecommunications and financial fields. Ms. Peace testified that her company has the required managerial and technical expertise to provide the services described in the application.

She further testified that Premiere has the necessary financial qualifications required of applicants for certification to provide basic local exchange and interexchange service. Ms. Peace also testified that the grant of authority benefits the public interest by bringing significant competitive benefits including alternative choices, and an optimal combination of price, quality and customer service.

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

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 competitive local exchange services on a combined resale and facilities-based basis and to provide resold interexchange service as described in the application filed with the Commission. The Commission finds that no performance bond should be required at this time.

Before the applicant is allowed to provide competitive local exchange service and resold services to its end users:

- (a) The applicant, either through negotiation or adoption, must reach an interconnection agreement with Qwest, Citizens, ALLTEL, or Sprint.
- (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.

Further, prior to providing local exchange service to any area covered by the rural exemption, the applicant must obtain additional authority from this Commission to expand its service territory.

As a provider of competitive 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 Application No. C-2398 be, and it is hereby, granted.

IT IS FURTHER ORDERED that upon final approval of the interconnection agreement and tariff, applicant is granted authority to provide competitive local exchange service and interexchange services throughout the state of Nebraska.

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 FURTHER ORDERED that, to the extent applicant provides access line service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-1302 - 86-1306 (Relay Act) and defined in Neb. Admin. R. & Reg. Title 291, ch. 5 § 001.01B, the applicant shall collect from its subscribers a surcharge (Relay Surcharge) pursuant to the relay act and the Commission's annual orders establishing the amount of the surcharge, and shall remit to

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the Commission the proceeds from the relay surcharge as provided by the relay act.

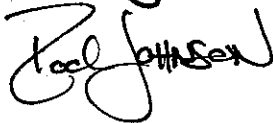
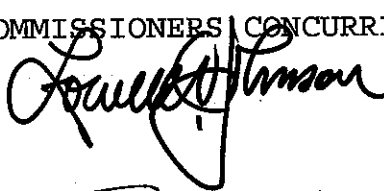
IT IS FURTHER ORDERED that the applicant comply with all necessary statutes and Commission Rules and Regulations as they pertain to the Nebraska Universal Service Fund.

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 resold and facilities-based interexchange and local exchange telecommunications services within the state of Nebraska.

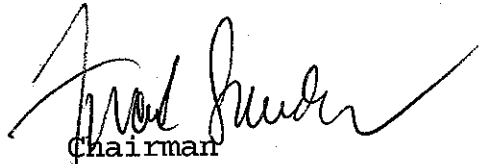
MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of January, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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

  
Chairman

ATTEST:



Executive Director

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