

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application	)	Application No. C-2395
of FairPoint Communications	)	
Solutions, Corp. of Charlotte,	)	MOTION TO PARTIALLY DISMISS
North Carolina, seeking authority	)	APPLICATION GRANTED; MOTION
to obtain a Certificate of Public	)	TO WITHDRAW FORMAL INTER-
Convenience and Necessity to	)	VENTIONS GRANTED;
provide local exchange and inter-	)	APPLICATION GRANTED
exchange carrier telecommunica-	)	
tions services in the state of	)	
Nebraska.	)	Entered: April 3, 2001

BY THE COMMISSION:

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

By application filed September 27, 2000, FairPoint Communication Solutions, Corp. (FairPoint) of Charlotte, North Carolina, seeks authority to obtain a certificate of public convenience and necessity to provide local exchange and interexchange carrier telecommunications services in the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on September 28, 2000. On October 16, 2000, petitions for formal intervention were filed by Arapahoe Telephone Company, Benkelman Telephone Company, Cozad Telephone Company, Henderson Telephone Company and Wauneta Telephone Company (collectively, the Intervenors).

On January 16, 2001, FairPoint filed a motion with the Commission requesting partial dismissal of its application. Specifically, FairPoint seeks to dismiss that portion of its application requesting authority to provide local exchange telecommunications services in Nebraska. FairPoint has indicated to the Commission that its current business plans merely involve the provision of interexchange telecommunications service, rendering any additional authority for local exchange authority extraneous.

Following the filing of FairPoint's motion, a motion was filed by the Intervenors, requesting that their petitions for formal intervention be withdrawn. In support of their motion, the Intervenors state that their primary concern was FairPoint's application for local exchange authority, and because that portion of the application is being withdrawn, they no longer desire to intervene in FairPoint's application. In light of these requests, the Commission finds that the motions filed by FairPoint and the Intervenors should be granted.

Because the only remaining request in FairPoint's application is for authority to provide interexchange telecommunications services, and because no party has filed any protest or intervention in that matter, the application will be processed without a hearing, pursuant to the Commission's Rule of Modified Procedure.

FairPoint, a Delaware corporation, is a subsidiary of FairPoint Communications, Inc. (Parent) and has received authority from the Secretary of State to conduct business in Nebraska. FairPoint is authorized to offer resale and facilities-based local exchange telecommunications services in 31 states, and is authorized to provide interexchange telecommunications services in 29 states. FairPoint intends to provide resold long distance and intraLATA toll services on a wholesale (carrier-to-carrier) basis throughout the entire state of Nebraska. FairPoint's management team has extensive experience in the telecommunications industry. FairPoint, through its parent company, is financially qualified to offer telecommunications services in Nebraska.

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 FairPoint 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 FairPoint Communication Solutions, Corp.'s Motion to Partially Dismiss Application be, and it is hereby, granted.

IT IS FURTHER ORDERED that the Motion To Withdraw Formal Interventions, filed by Arapahoe Telephone Company, Benkelman Telephone Company, Cozad Telephone Company, Henderson Telephone Company and Wauneta Telephone Company, be, and it is hereby, granted.

IT IS FURTHER ORDERED that FairPoint Communications Solutions Corp. be, and it is hereby, granted a certificate of public

Application No. C-2395

Page 3

convenience and necessity to provide interexchange carrier telecommunications services in 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.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of April, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lawrence J. Johnson*  
*Ann C. Boyle*

*Frank E. Landis*  
Chairman

ATTEST:

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

*John D. ...*  
Deputy Director

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