

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2409
of Comm South Companies, Inc.,)
Dallas, Texas, seeking authority)
to provide interLATA inter-) GRANTED
exchange telecommunications)
services.) Entered: November 21, 2000

BY THE COMMISSION:

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

By application filed October 19, 2000, Comm South Companies, Inc. (Comm South) of Dallas, Texas, seeks authority to provide interLATA interexchange telecommunications services. Notice of the application was published in The Daily Record, Omaha, Nebraska, on October 20, 2000, pursuant to the rules of the Commission. No protests were filed, therefore, this application is processed pursuant to the Commission's Rules of Modified Procedure.

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

Applicant is a privately-held corporation and was incorporated in Texas on March 17, 1995, as Onyx Distributing Company, Inc. Applicant subsequently changed its name to Comm South Companies, Inc. Applicant is a wholly-owned subsidiary of Topp Telecom, Inc. (Topp), which is a Florida corporation. Topp is a provider of pre-paid wireless services and operates as a cellular reseller in all 50 states. Applicant has received authorization from the Nebraska Secretary of State to conduct business in Nebraska. Applicant proposes to provide prepaid long distance services as well as prepaid card services to residential customers. At this time, the applicant intends to purchase its resale services from Sprint. However, at some point in the future, the applicant hopes to purchase a switch that will be located near its headquarters in Dallas, Texas, from which its customer long distance traffic will be back-hauled. Applicant will not own, control, operate or manage any telecommunications facilities in Nebraska. The applicant will not provide operator services.

The applicant's services will be provided on a prepaid basis, therefore, customers will not receive a bill for their long distance service. However, the applicant plans to bundle its local and long distance services whereby customers will receive a local

service bill with the customer's long distance usage noted on that bill. Customers may inquire about billing and direct any complaints through the applicant's toll-free customer service number. Applicant 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 of 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-2409 be, and it is hereby, granted and Comm South Companies, Inc. is authorized to operate as a resale carrier of interLATA interexchange telecommunications services.

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 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. §§ 86-1406 to 86-1410).

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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 21st day of November, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Forrest Johnson
Anne C. Boyle

//s// Frank E. Landis

Thane Sued
Chairman

ATTEST:

And S. Pollack
Executive Director

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