

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application        ) Application No. C-2416  
of Global TeleLink Services, Inc.,        )  
Atlanta, Georgia, seeking author-        )  
ity obtain a Certificate of Public        )  
Convenience and Necessity to            ) GRANTED  
provide resold and facilities-based        )  
local exchange and interexchange        )  
telecommunications services within        )  
the state of Nebraska.                    ) Entered: February 6, 2001

APPEARANCES:

|                         |                                 |                         |
|-------------------------|---------------------------------|-------------------------|
| Intervenors:            | For the Applicant:              | For the                 |
| Telephone Company;      | Jon Bruning                     | Arapahoe                |
| Telephone Company;      | 1079 N. 204th Avenue            | Benkelman               |
| Company;                | Elkhorn, Nebraska 68022         | Cozad Telephone         |
|                         | Henderson Cooperative Telephone |                         |
|                         | Company; and Wauneta Telephone  |                         |
|                         | For the Commission:             | Company:                |
|                         | Shanicee Knutson                | Mark A. Fahleson        |
|                         | 300 The Atrium                  | Rembolt Ludtke & Berger |
|                         | 1200 N Street                   | 1201 Lincoln            |
| Mall, Suite 102         |                                 |                         |
| Lincoln, Nebraska 68508 | Lincoln, Nebraska 68508         |                         |

BY THE COMMISSION:

By its application filed November, 1, 2000, Global TeleLink Services, Inc. (Global or Applicant) of Atlanta, Georgia, seeks authority to provide resold and facilities-based local exchange and interexchange telecommunications services in the state of Nebraska. Notice of the application appeared in The Daily Record on November 2, 2000. The following parties filed petitions of formal intervention: Arapahoe Telephone Company; Benkelman Telephone Company; Cozad Telephone Company; Henderson Cooperative Telephone Company; and Wauneta Telephone Company. A hearing on the application was held January 16, 2001, in the Commission Hearing Room, Lincoln, Nebraska, with appearances as shown above.

E V I D E N C E

In support of its application, the applicant produced one witness, Tom McLean, director of telecommunication interest, who testified as follows:

Mr. McLean testified that the applicant is a privately-held company headquartered in Atlanta, Georgia. Applicant has obtained

authority to transact business in the state of Nebraska. The applicant is a start-up company and at the time of hearing had no customers yet in the United States. Mr. McLean stated that the applicant will operate under a unbundled network element-platform (UNE-P) and resale agreement. The applicant will put into place Gateway units to facilitate intrastate and interstate long distance traffic. Global also plans to offer high-speed Internet services.

Applicant has been authorized to provide local exchange telecommunications services in about 18 states and holds authority to provide interexchange telecommunications services in about 19 states. The applicant has not been denied a certificate in any state in which it has filed an application. The applicant has not been named in a formal complaint in any state.

Mr. McLean testified that the applicant has sufficient managerial and technical resources and abilities to provide local exchange and interexchange telecommunications services in the proposed service territory. He stated that the applicant had strong technical competency and extensive managerial expertise in telecommunications as demonstrated in Commission Exhibit No. 5 which was offered and accepted into evidence at the hearing. According to the evidence presented, the combined senior management and technical team of the applicant possess many years of experience in the telecommunications industry.

Mr. McLean presented financial statements to the Commission as evidence of the applicant's financial qualifications. The financial statements were offered and accepted into evidence as Commission Exhibit 6. The witness testified that the applicant possesses the requisite financial qualifications to provide the proposed services throughout the territory the applicant intends to serve.

Mr. McLean further testified that granting the above-captioned application will be in the public's best interest because it will provide consumers with an alternative choice in providers at a competitive rate. The witness testified that the applicant will bring state of the art telecommunications services to Nebraska which few others could match. The applicant's provisioning of service will enhance the goals of universal service, promote the policies set forth in the Telecommunications Act of 1996 (the Act) and advance the objective of the Commission which is set forth in Application No. C-1128, Progression Order, dated December 19, 1995, relating to the implementation of local exchange competition.

Mr. McLean mentioned that the applicant will provide operator services as well as 911 services. The applicant will mirror the billing policies of the incumbent local exchange carrier (ILEC). The applicant will not require deposits from new subscribers. The witness further stated that applicant understands that the Commission may require a performance bond if the company requires advance deposits. Mr. McLean also affirmed that customers will be

able to call a toll-free number for complaints. The applicant's customer service center will be staffed 24 hours a day, seven days a week.

Mr. McLean testified that he understood any request for interconnection with a rural telephone provider may trigger a hearing by this Commission as to whether or not the rural exemption discussed in the Act applies to that particular rural telephone company. Upon cross-examination, Mr. McLean testified that the above-captioned application is not a bona fide request for interconnection with any rural carrier in the state.

No other parties introduced testimony or evidence at the hearing.

#### 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 the applicant has provided the information required by the Commission;

(b) Whether the applicant has provided a performance bond, if required;

(c) Whether the applicant possesses adequate financial resources to provide the proposed service;

(d) Whether the applicant possesses adequate technical competence and resources to provide the proposed service;

(e) Whether the applicant possesses adequate managerial competence to provide the proposed service; and

(f) Whether granting the 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 Act.

Applicant has demonstrated that it meets the standards of financial, technical and managerial competence and all other criteria necessary to provide local exchange and interexchange service in the state of Nebraska. No party in this proceeding refuted the applicant's competence.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria to apply when considering applications to

provide interexchange and local exchange service in the above-mentioned territories. All telecommunications carriers seeking such a certificate must demonstrate that they meet, at a minimum, the standards and criteria set forth herein.

Before the applicant is allowed to provide local exchange service to its users, it must either:

- Through negotiation or arbitration, reach an interconnection/resale agreement with the
  - pertinent incumbent local
  - exchange carrier and receive Commission approval of the
  - interconnection/resale agreement; or
- 
- In the event a certified local exchange carrier provides
  - a wholesale tariff, purchase rates from that tariff, file
  - its own tariff and receive Commission approval of its
  - tariff.

This order does not terminate, waive or in any manner diminish the exemptions and protections created by the Act for rural carriers, as defined by the Act. This order does not address the issue of the rural local exchange carrier exemption under the Act. Rural exemptions may be terminated, suspended or modified only as provided in Section 251(f) of the Act.

Prior to providing local exchange or interexchange service in any area in the state of Nebraska, applicant must file and the Commission must approve, tariffs in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs. Title 291, ch. 5.

As a provider of local exchange and interexchange service in the state of Nebraska, applicant would 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 ILECs 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-2416 be, and hereby is, granted.

IT IS FURTHER ORDERED that the applicant comply with Section 251(f)(1)(B) of the Telecommunications Act of 1996 and that the Applicant submit any bona fide request(s) for interconnection, services or network elements from a rural telephone company to the Commission for its approval.

IT IS FURTHER ORDERED that applicant is obligated to 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 any other interexchange and local exchange carriers, except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

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 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 FURTHER ORDERED that applicant shall file, in accordance with the applicable statutes, on or before April 30 of each year, an annual report with the 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 the telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses and taxes.

IT IS FURTHER ORDERED that within 30 days from the entry of this order that the applicant file a tariff with the Commission as required by state statutes and the Commission's regulations.

IT IS FINALLY ORDERED that this order be, and hereby is, made the Commission's official Certificate of Public Convenience and Necessity to the applicant to provide resold and facilities-based local exchange and interexchange telecommunications services in the state of Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of February, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

ATTEST:

Executive Director

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