

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2418
of Total Communication Services,)
Inc. of Cedar Rapids, Iowa,)
seeking authority to operate as) GRANTED
an interexchange carrier of)
telecommunications services)
within the state of Nebraska.) Entered: February 6, 2001

BY THE COMMISSION:

By application filed November 6, 2000, Total Communication Services, Inc. (TCS) of Cedar Rapids, Iowa, seeks authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on November 7, 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

TCS, an Iowa corporation located in Cedar Rapids, Iowa, is a switchless, non-facilities based interexchange resale carrier providing switched and dedicated interexchange telecommunications services to businesses and residences. TCS is certificated to provide interexchange telecommunications services in 5 states, and in no case has any application been denied or rejected.

TCS proposes to offer switched and dedicated access 1+ long distance telecommunications services suitable for voice and limited data applications throughout the entire state of Nebraska. TCS will provide its own billing services and will make customer service available through an "800" number during business hours, with an answering service utilized outside those hours.

TCS does not own or lease facilities in Nebraska. As a result, TCS will resell the network services of WorldCom or other certificated carriers and will be solely dependent on the technical capabilities of its underlying carriers.

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 TCS 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.

TCS previously held authority to provide interexchange telecommunications services in Nebraska, although there is no evidence that the company ever provided service in Nebraska under that certificate. On August 5, 1997, the Commission entered an order in Docket No. C-1539/DC-20 revoking that authority based on TCS's failure to timely file an annual report with the Commission as prescribed by *Neb. Rev. Stat. § 75-116*.

As with all applicants who seek to regain certification after a revocation of their certificate for an annual report filing violation, this Commission will apply additional scrutiny to TCS's application in order to ensure that such violations do not occur in the future. Based on the evidence provided by TCS, we have no reason to believe that TCS's current managerial practices or procedures will again lead to a violation of our annual report requirements. Following the August 5, 1997 decertification, TCS was acquired by a new company, TCS Holding, Inc. Neither TCS nor its current owners have any affiliation with the prior ownership responsible for the annual report violation. TCS also currently operates under an entirely different management team than was in place in 1997. Furthermore, TCS has paid the amount of civil forfeiture fine outstanding since 1997, and has agreed to be subject to additional penalties if it fails to timely file its 2001 annual report. In light of these good faith efforts by TCS to regain certification in Nebraska, we find that their application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2418 be, and it is hereby, granted and Total Communication Services, Inc. is authorized to operate as an interexchange 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 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

Application No. C-2418

PAGE 3

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).

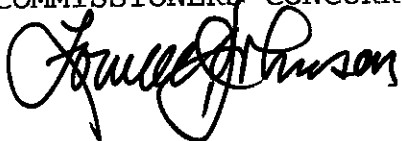
IT IS FURTHER ORDERED that applicant file its current tariff prior to offering service pursuant to the certificate granted in this order.

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.

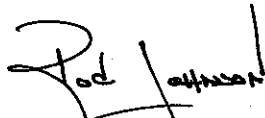
MADE AND ENTERED at Lincoln, Nebraska, this 6th day of February, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




Chairman



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

ATTEST:


Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
