

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-2467
Cox Nebraska Telcom, L.L.C. of)
Omaha, seeking to expand its) GRANTED
Certificate of Public Convenience)
and Necessity to include the)
entire state of Nebraska.) Entered: March 6, 2001

BY THE COMMISSION:

By its application filed January 4, 2001, Cox Nebraska Telcom, L.L.C. (Cox or Applicant) of Omaha, seeks authority to expand its certificate of public convenience and necessity, authorizing Cox to provide competitive local exchange telecommunications services, to include the entire state of Nebraska. Notice of the application appeared in The Daily Record on January 8, 2001. 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 :

Cox's original certificate of authority was granted on December 10, 1996, pursuant to Application No. C-1359, and authorized Cox to provide local exchange services in LATA 644, served by Qwest Corporation, f/k/a US West Communications, Inc. Cox now requests that the Commission expand its authority to offer local exchange service throughout the entire state of Nebraska.

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 intraLATA and interLATA local exchange service throughout Nebraska. No evidence was submitted to suggest that the applicant is not qualified to provide its proposed services in light of the criteria this Commission must consider.

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

- (a) 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
- (b) In the event a certified local exchange carrier provides a wholesale tariff, purchase rates from that tariff and file its own tariff.

This order does not terminate, waive or in any manner diminish the exemptions and protections created by the Federal Telecommunications Act of 1996 (the Act) for rural carriers, as defined by the Act. This order does not address the issue of the rural local exchange carriers' 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 interexchange or local exchange service in any area in the state of Nebraska, applicant must file a local exchange tariff in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs. Title 291, ch. 5.

O R D E R

IT IS THEREFORE ORDERED by the Commission that Application No. C-2467 be, and it is hereby, granted and Cox Nebraska Telcom, L.L.C., in addition to the authority this Commission previously granted applicant to provide local exchange service in limited territories in Nebraska, is authorized to provide local exchange service throughout the entire state of Nebraska.

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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 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, to the extent the 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. tit. 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 Relay Surcharge, and shall remit to the Commission the proceeds from the Relay Surcharge, as provided by the Relay Act.

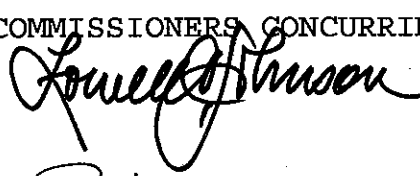
IT IS FURTHER ORDERED that the applicant comply with all necessary statutes and Commission rules and regulations as they pertain to the Nebraska Universal Service Fund.

IT IS FINALLY ORDERED that this order be, and it is hereby, made the Commission's official certificate of public convenience and necessity to the applicant to provide local exchange service throughout Nebraska.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




Chairman



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

ATTEST:



Executive Director

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