

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application C-2585
of Viva Telecom, L.L.C. of Salt)
Lake City, Utah, seeking authority)
to obtain a Certificate of Public)
Convenience and Necessity to) GRANTED
operate as a reseller of)
interexchange telecommunications)
services within the state of)
Nebraska.) Entered: October 30, 2001

BY THE COMMISSION:

By application filed August 28, 2001, Viva Telecom, L.L.C. (Viva) of Salt Lake City, Utah, seeks authority to obtain a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 29, 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

Viva, a Utah corporation, is principally located in Salt Lake City, Utah, and is authorized to conduct business in Nebraska. Viva has authority to provide interexchange services in eight states and has pending applications in nine states. At no time has the applicant nor any of its members been involved in a formal complaint or other investigatory enforcement proceeding.

Viva neither owns nor operates any switching, transmission or other physical facilities in the State of Nebraska. Viva is a reseller of long distance telephone service offered by facilities-based interexchange carriers such as AT&T and MCI. Viva will obtain inbound and outbound wide area telephone service type services from interexchange carriers that are certified to render such service in Nebraska. These services will in turn be resold to customers who purchase Viva's prepaid phone cards and other calling products.

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 Viva 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 Application No. C-2585 be, and it is hereby, granted and Viva Telecom, L.L.C., is authorized to operate as a reseller of interexchange 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 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 day of 30th day of October, 2001.

COMMISSION
COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE

Chairman

ATTEST:

Executive Director