

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2620
of OX Telecom, L.L.C. of New York,)
New York, seeking authority to)
operate as a facilities-based and) GRANTED
resold interexchange carrier of)
telecommunications services within)
the state of Nebraska.) Entered January 29, 2002

BY THE COMMISSION:

By application filed October 17, 2001, OX Telecom, L.L.C. (OX) of New York, New York, seeks authority to operate as a facilities-based and resold interexchange carrier of telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on October 18, 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

OX is a Delaware corporation that has its headquarters in New York, New York. OX has been authorized by the Secretary of State to conduct business in the state of Nebraska as a foreign corporation. OX is in the process of applying for certification in all fifty states. At no time has OX had an application denied or been part of a formal complaint or investigatory proceeding.

OX is a facilities-based and resold provider of interexchange telecommunications services provided over networks of its underlying carriers including, Broadwing, Global Crossing and Qwest Communications. OX is solely dependent on the technical capabilities of its underlying carriers.

OX proposes to acquire and resell various voice and data communications services offered by communications interexchange carriers, and to package and provide these services for the specialized functions and need of its customers. In particular, services will be acquired from underlying communications interexchange carriers at bulk rates and will be resold to customers who will benefit from reduced pricing.

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 OX 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-2620 be, and it is hereby, granted and OX Telecom, L.L.C., is authorized to operate as a facilities-based and resold 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 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 29th day of January, 2002.

COMMISSION

NEBRASKA PUBLIC SERVICE

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

