

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application     ) Application No. C-2642  
of NUI Telecom, Inc. of                 )  
Bedminster, New Jersey, seeking       )  
authority to obtain a Certificate       )  
of Public Convenience and               ) GRANTED  
Necessity to transact the business     )  
of a reseller of interexchange         )  
telecommunications services and         )  
for approval of its initial tariff.) Entered: January 29, 2002

BY THE COMMISSION:

By application filed December 17, 2001, NUI Telecom, Inc. (NUI) of Bedminster, New Jersey, seeking authority to obtain a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services and for approval of its initial tariff. Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 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

NUI, a New Jersey Corporation has its headquarters in Bedminster, New Jersey. NUI is authorized by the Secretary of State to conduct business in Nebraska as a foreign corporation. NUI current conducts business in 18 states as a competitive local exchange carrier (CLEC) and/or an interexchange carrier (IXC). NUI, has neither been denied authority in any state nor has it been the subject of a formal compliant or enforcement proceeding involving its business operations within the past two years.

NUI seeks authority to operate as a reseller of interLATA and intraLATA intrastate telecommunications services to the public on a statewide basis. NUI seeks authority to offer 1+ interexchange telecommunications services on a resale basis. Specifically, NUI seeks authority to provide message telecommunication services, out-WATS, in-WATS, and calling card services.

NUI does not own any transmission facilities and will offer service using the facilities of Sprint or other facilities-based IXCs and the local exchange telephone companies. NUI has no plans to construct any telecommunications transmission facilities of its own.

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 NUI 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-2642 be, and it is hereby, granted and NUI Telecom, Inc. is authorized to obtain a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services in 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 29th day of January,  
2002.

COMMISSION

NEBRASKA PUBLIC SERVICE

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director