

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2695
of Access Point, Inc. of Cary,)
North Carolina, seeking)
authority to operate as a resale) GRANTED
carrier of intrastate interLATA)
and intaLATA telecommunications)
service within the state of)
Nebraska.) Entered: September 18, 2002

BY THE COMMISSION:

On March 6, 2002, an application was filed by Access Point, Inc. (Access Point) of Cary, North Carolina, seeking authority to operate as a resale carrier of intrastate interLATA and intaLATA telecommunications service within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 7, 2002. 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

Access Point is a North Carolina corporation with its headquarters in Cary, North Carolina. Access Point has been authorized by the Secretary of State to operate in Nebraska as a foreign corporation.

Applicant is a switchless reseller of interexchange telecommunications services. Applicant proposes to offer 1+ direct dialed, inbound toll-free service, travel card and directory assistance services for communications originating and terminating within the state of Nebraska.

The Commission notes that Access Point's certificate of authority was revoked on October 26, 1999, for failure to comply with its reporting obligations to the Nebraska Universal Service Fund. Access Point, by affidavit, has assured the Commission that they have dealt with the problems that led to their certificate being revoked and will fully comply with all rules and regulations in providing telecommunications services within the state.

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 Access Point 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-2695 be, and it is hereby, granted Access Point, Inc., is authorized to operate as a resale carrier of intrastate, interLATA and intraLATA 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 18th day of September, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director