

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

| | | |
|----------------------------------|---|-------------------------|
| In the Matter of the |) | Application No. C-2880 |
| Consolidated Application of |) | |
| Buyers United, Inc., d/b/a |) | |
| buyersonline, d/b/a United |) | |
| Carrier Networks of Bluffdale, |) | |
| Utah, seeking authority to |) | GRANTED |
| operate as a resale |) | |
| interexchange carrier of |) | |
| telecommunications services |) | |
| within the state of Nebraska and |) | |
| to transfer customers of Touch |) | |
| America, Inc., of Denver, |) | |
| Colorado. |) | Entered: March 11, 2003 |

BY THE COMMISSION:

On February 4, 2003, a consolidated application was filed by Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks (Buyers) of Bluffdale, Utah, seeking authority to operate as a resale interexchange carrier of telecommunications services within the state of Nebraska and to transfer customers of Touch America, Inc., of Denver, Colorado. Notice of the application was published in The Daily Record, Omaha, Nebraska, on February 21, 2003. 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

Buyers is a Delaware corporation with its headquarters in Bluffdale, Utah. Buyers has been authorized by the Secretary of State to operate in Nebraska as a foreign corporation.

Buyers is a switchless, resale common carrier, providing intrastate long distance message toll telecommunications services to customers for their direct transmission and reception of voice, data and/or other types of communication. Applicant proposes to offer these services throughout the entire state of Nebraska. Applicant proposes to offer "1+", 800/888/887, and calling card long distance telecommunications services on a resale basis.

In addition, Buyers requests authority to transfer Touch America's Nebraska customers. On December 23, 2002, Buyers and Touch America entered into an asset purchase agreement whereby Buyers agreed to purchase certain Touch America assets including approximately 2,000 switched voice long distance customer accounts in Nebraska. Buyers has notified the existing Touch America customers that their service will continue at the same or lower rates and that they will not incur preferred carrier

change charge (or any charge) as a result of the proposed transfer.

The Commission notes that the applicant's certificate of authority was previously revoked in the state of Nebraska for failure to file an annual report. While the applicant has begun to satisfy this compliant with the Commission, if the applicant chooses to ignore Commission rules and regulations in the future, they will be considered a willful violator.

Interexchange reseller applications are subject to Commission jurisdiction under Neb. Rev. Stat. §§ 86-128 and 86-129 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 Buyers 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.

Based on the evidence, we find the application to be fair and reasonable and in the public interest. The application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2880 be, and it is hereby, granted and Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks is authorized to operate as a reseller of interexchange telecommunications services within the state of Nebraska and to transfer the Nebraska customers of Touch America Inc.

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. §§ 86-301 to 86-315) and the Nebraska Telecommunications Universal Service Fund Act (Neb. Rev. Stat. §§ 86-316 to 86-329).

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 11th day of March, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director