

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Marathon) Application No. C-3081
Communications Corporation,)
d/b/a/ Marathon USA, Canton,)
Georgia, seeking authority to) GRANTED
operate as an interexchange)
carrier of telecommunications)
services within the state of) Entered: February 3, 2004
Nebraska.

BY THE COMMISSION:

By application filed December 22, 2003, Marathon Communications Corporation, d/b/a Marathon USA (Applicant) of Canton, Georgia, seeks authority to operate as a resale carrier of intrastate telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 26, 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

Applicant is a Georgia organized, privately held, non-facilities based interexchange resale carrier providing switched and dedicated interexchange telecommunications services to businesses and residences. Applicant is reliant upon and provides its services over the networks of its underlying carrier, Global Crossing. From time to time, Applicant may offer services provided by other certificated interexchange providers. Applicant proposes to offer switched and dedicated access "1+" long distance telecommunications service suitable for voice and limited data application in the state. Applicant will perform the billing for its customers. Customer service will be available through a toll free number. The applicant does not propose to provide alternative operator services nor require advance payments or deposits.

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 Marathon Communications Corporation, d/b/a Marathon USA, 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-3081 be, and it is hereby, granted and Marathon Communications Corporation, d/b/a Marathon USA, is authorized to operate as a resale carrier of intrastate 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. §§ 86-301 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, along with the appropriate fee, 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.

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MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of February, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell Johnson

Anne Boyle

Vice Chairman

Rod Johnson

ATTEST:

And S Pollack

Executive Director

//s// Frank E. Landis

//s// Rod Johnson

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