

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Southwest                    ) Application No. C-3125  
Communications, Inc., Kansas                )  
City, Missouri, seeking                     )  
authority to operate as a resale             ) GRANTED  
carrier of intrastate inter-                 )  
exchange telecommunication                 )  
services within the state of                 )  
Nebraska.                                     ) Entered: April 6, 2004

BY THE COMMISSION:

By application filed February 18, 2004, Southwest Communications, Inc. (Applicant) of Kansas City, Missouri, seeks authority to operate as a resale carrier of intrastate inter-exchange telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on February 23, 2004. 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 Missouri corporation with its headquarters in Kansas City, Missouri. Applicant is authorized by the Secretary of State to operate in Nebraska as a foreign corporation. In addition, no officer, director or shareholder having five percent or more of the Applicant's voting securities has been involved in a formal complaint or other investigatory or enforcement proceeding.

Applicant intends to provide switchless, non-facilities based interexchange resale services to residential and business customers suitable for voice and limited data applications. Applicant does not own or lease facilities. All services will be provided over the networks of underlying carriers; therefore, Applicant's technical capabilities are equivalent to that of the underlying carriers. Applicant's underlying long distance carriers will be Qwest, Global Crossing or other Commission certificated carriers.

The Applicant provides services on a non-prepaid basis and bills customers directly on a monthly basis. Billing services will initially be handled via a third party billing agent, however, the Applicant intends to establish an in-house billing system in the near future. Customer service is available via a toll-free number during business hours and emergency service is available 24-hours-a-day. Applicant does not provide alternative operator services and will not collect deposits for service.

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 Southwest Communications, Inc., has provided all the information required by the Commission, possesses adequate financial resources to provide the proposed service and 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-3125 be, and it is hereby, granted and Southwest Communications, Inc. is authorized to operate as a resale carrier of intrastate interexchange telecommunication 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.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of April, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director