

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-4982
of Time Clock Solutions, LLC,)
Holland, Ohio, seeking authority)
to provide resold local exchange) GRANTED
and interexchange)
telecommunications services)
within the State of Nebraska.) Entered: June 12, 2018

BY THE COMMISSION:

On April 23, 2018, an application was filed by Time Clock Solutions, LLC of Holland, Ohio ("Time Clock" or "Applicant") seeking authority to provide resold local exchange and interexchange services within the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 25, 2018. 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 privately held limited liability company, organized under the laws of the State of Florida. Applicant has been authorized by the Secretary of State to operate in Nebraska as a foreign corporation. Applicant holds authorization to provide local exchange and/or interexchange services in approximately twelve states and is in the process of applying for authorization to provide competitive local exchange and interexchange services nationwide. No officer, director or shareholder having 5% or more of Applicant's voting securities nor any of Applicant's business operations has been involved in a formal complaint or other investigatory or enforcement proceeding.

Applicant requests authority to provide resold local exchange and interexchange services throughout the State of Nebraska. Applicant seeks to provide local exchange services throughout the State of Nebraska in the areas served by LECs in Nebraska that are not eligible for a small or rural carrier exemption pursuant to Section 251(f)(1) of the Federal Act. Applicant does not seek to provide services to customer in those small or rural territories at this time. At this time, Applicant neither owns nor leases equipment or facilities used for transport of telecommunications in the State of Nebraska. Applicant has no current plans to install facilities in the State of Nebraska.

Applicant will be providing resold local exchange and interexchange service utilizing unbundled network elements ("UNE") or UNE equivalents to provide local service, and will rely upon the managerial and technical expertise of the incumbent local exchange carriers and facilities-based interexchange and/or competitive local exchange carriers which have been certified and deemed technically and managerially able to provide exchange service by the Commission. Applicant's local calling areas initially will coincide with the incumbent local exchange carrier's local calling areas.

Applicant states it possesses the technical, managerial, and financial qualifications to provide the proposed service. In support, Applicant submitted a description of its management team's background in Exhibit 3 to its application. Applicant also provided evidence of its financial competence through Exhibit 4 to its application. Exhibit 4 was filed under confidential seal.

Applicant stated approval of its application will promote the public interest by: serving the needs of subscribers who cannot otherwise realize similar cost savings through major carriers; improving efficiency and reducing major carriers' costs in provision of these services; benefiting the public through greater consumer choice; and Local Exchange Carriers will realize greater access charge revenues through the increase in traffic utilizing local access.

The Commission considers this application for authority in light of the following criteria and standards established in the Commission's telecommunications rules:

- (a) Whether the Applicant has provided the information required by the Commission;
- (b) Whether the Applicant has provided a performance bond, if required;
- (c) Whether the Applicant possesses adequate financial resources to provide the proposed service;
- (d) Whether the Applicant possesses adequate technical competence and resources to provide the proposed service;
- (e) Whether the Applicant possesses adequate managerial competence to provide the proposed service; and

- (f) Whether granting the Applicant a certificate preserves and advances universal service, protects the public safety and welfare, ensures the continued quality of telecommunications services and safeguards the rights of consumers, pursuant to Section 253(b) of the Act.

Applicant has demonstrated that it meets the standards of financial, technical, and managerial competence and all other criteria necessary to provide local exchange and interexchange telecommunications services in the State of Nebraska.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria to apply when considering applications to provide local exchange services. All telecommunications carriers seeking such a certificate must demonstrate that they meet, at a minimum, the standards and criteria set forth herein.

Before the Applicant is allowed to provide local exchange service to its users, it must either:

1. Through negotiation or arbitration, reach an interconnection/resale agreement with the pertinent incumbent local exchange carrier and receive Commission approval of the interconnection/resale agreement; or
2. In the event a certified local exchange carrier provides a wholesale tariff, purchase rates from that tariff, file its own tariff and receive Commission approval of its tariff.

This order does not terminate, waive or in any manner diminish the exemptions and protections created by the Act for rural carriers, as defined by the Act. This order does not address the issue of the rural local exchange carrier exemption under the Act. Rural exemptions may be terminated, suspended or modified only as provided in Section 251(f) of the Act.

Prior to providing service in any area in the State of Nebraska, Applicant must file tariffs in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs. Title 291, ch. 5.

Upon the offering of local exchange services in the State of Nebraska, Applicant would be subject to the same laws, rules and

regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange company except those obligations imposed on ILECs pursuant to Section 251(c) of the Act.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4982, be, and it is hereby, approved.

IT IS FURTHER ORDERED that the Applicant comply with Section 251(f)(1)(B) of the Telecommunications Act of 1996 and that the Applicant submit any bona fide request(s) for interconnection, services or network elements from a rural telephone company to the Commission for its approval.

IT IS FURTHER ORDERED that Applicant is obligated to abide by the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other interexchange and local exchange carriers, except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

IT IS FURTHER ORDERED that, to the extent Applicant provides access line service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-301 through 86-315 (Relay Act) and defined in Neb. Admin. R. & Reg. Title 291, Chapter 5 § 001.01B, the Applicant shall collect from its subscribers a surcharge (Relay Surcharge) pursuant to the relay act and the Commission's annual orders establishing the amount of the surcharge, and shall remit to the Commission the proceeds from the relay surcharge as provided by the relay act.

IT IS FURTHER ORDERED that the Applicant comply with all necessary statutes and Commission Rules and Regulations as they pertain to the Nebraska Universal Service Fund.

IT IS FURTHER ORDERED that Applicant shall file, in accordance with the applicable statutes, on or before April 30 of each year, an annual report with the Commission consisting of: (a) a copy of the ARMIS Report filed with the Federal Communications Commission if applicable; (b) a copy of any annual report to stockholders; and (c) a copy of the latest Form 10-K filed with the Securities

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and Exchange Commission. If such reports are unavailable, Applicant shall file a balance sheet and income statement for the previous year of operation, and for the State of Nebraska on a combined interstate-intrastate basis, the investment in the telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses and taxes.

IT IS FURTHER ORDERED that within 30 days from the entry of this order that the Applicant file a tariff with the Commission as required by state statutes and the Commission's regulations.

IT IS FINALLY ORDERED that this order be, and hereby is, made the Commission's official Certificate of Public Convenience and Necessity to the Applicant to provide resold and facilities-based local exchange and interexchange telecommunications services in the State of Nebraska.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 12th day of June, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:









Chair

ATTEST:



Executive Director

//s//Frank E. Landis

//s//Mary Ridder