

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-2622  
of United Systems Access Telecom, )  
Inc. of Kennebunk, Maine, seeking )  
authority to provide resold ) GRANTED  
interexchange telecommunications )  
services within the state of )  
Nebraska and approval of transfer )  
of customer base of Essential.com. ) Entered: January 8, 2002

BY THE COMMISSION:

By application filed October 25, 2001, United Systems Access Telecom, Inc. (United) of Kennebunk, Maine, seeks authority to provide resold interexchange telecommunications services within the state of Nebraska and approval of transfer of customer base of Essential.com. Notice of the application was published in The Daily Record, Omaha, Nebraska, on October 26, 2001. 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

United is a Delaware corporation that has its principal headquarters in Kennebunk, Maine. United is authorized by the Secretary of State to conduct business in the state of Nebraska as a foreign corporation. United has been certificated in four states and is currently applying in all states where it has not already obtained such approval.

United seeks statewide authority to provide resold telecommunications services to and from all points in the state of Nebraska. United intends to offer resold interexchange services on a 1+ and 0+ basis within its licensed area.

In addition, United requests approval of a transaction in which it assumes the assets and customer base of Essential.com. Essential.com, is a telecommunications provider that is authorized by this Commission to operate as a competitive local exchange carrier on October 31, 2000, pursuant to Application No. C-2247 and as a resale carrier on June 29, 2000, pursuant to Application No. C-2246.

On June 29, 2001, Essential.com filed for Chapter 11 bankruptcy protection. Shortly thereafter, Essential.com entered into agreements for the sale of its customer base, certain trademarks and other assets. United was the high bidder for these assets.

Pursuant to the Bankruptcy Court's order on August 9, 2001, Essential.com and United have entered into a management agreement whereby United will manage the business operations of Essential.com until such time as United obtains all necessary regulatory

approvals from the appropriate state commissions. United plans to distribute to its customers within Nebraska, the customer change notification form so that they make an informed decision regarding the ability to retain United as their primary carrier.

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 United 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-2622 be, and it is hereby, granted and United Systems Access Telecom, Inc. is authorized to conduct business as a resale provider of telecommunications services in the state of Nebraska and is authorized to assume the customer base of Essential.com.

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 FURTHER ORDERED that the applicant shall pay any PIC charges related to any customers wishing to switch to another service provider.

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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 8th day of January, 2002.

COMMISSIONERS CONCURRING:

  


//s//Anne C. Boyle  
//s//Frank E. Landis

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chair

ATTEST:

  
Executive Director

