

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2678
of Marathon Communications)
Corporation, d/b/a Marathon USA,)
of Marietta, Georgia, seeking) GRANTED
authority to operate as an)
interexchange carrier of)
telecommunications services)
within the state of Nebraska.) Entered: April 2, 2002

BY THE COMMISSION:

On February 19, 2002, an application was filed by Marathon Communications Corporation, d/b/a Marathon USA (Marathon) of Marietta, Georgia, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on February 21, 2002. 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

Marathon is a Georgia Corporation with its headquarters in Marietta, Georgia. Marathon has been authorized by the Secretary of State to operate in Nebraska as a foreign corporation. Marathon is in the process of filing for certification throughout the United States. At no instance has an application been denied or rejected. In addition, no officer, director of shareholder, having five percent or more of Marathon's voting securities have been involved in a formal complaint or other investigatory or enforcement proceeding.

Marathon is a switchless, non-facilities-based interexchange resale carrier, providing switched and dedicated interexchange telecommunications services to businesses and residences. Marathon plans to resell telecommunications services provided over the networks of its underlying carrier, Global Crossing. Marathon is solely dependant on the technical capabilities of its underlying carriers.

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 Marathon 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-2678 be, and it is hereby, granted and Marathon Communications Corporation, d/b/a Marathon USA is authorized to operate as an interexchange carrier of telecommunications services within the state of Nebraska.

IT IS FURTHER ORDERED that Marathon 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, Marathon 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 Marathon 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 Marathon 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.

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MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of April 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Harold H. Vay

Paul Johnson

//s//Anne C. Boyle

Anne Boyle

Chair

ATTEST:

Kathy Lannan

on behalf of the
Executive Director

