

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-2714  
of NetworkIP, LLC of Longview, )  
Texas, seeking authority to )  
operate as a resale common car- ) GRANTED  
rier of telecommunications ser- )  
vices within the state of )  
Nebraska. ) Entered: November 26, 2002

BY THE COMMISSION:

On March 29, 2002, an application was filed by NetworkIP, LLC of Longview, Texas, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 1, 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

NetworkIP is a Texas Limited Liability Company with its headquarters in Longview, Texas. NetworkIP has been authorized by the Secretary of State to operate in Nebraska as a foreign corporation.

Applicant is a switch-based, interexchange resale carrier, which intends to provide switched and dedicated to switched interexchange telecommunications services to all persons or businesses desiring to purchase its service. Applicant proposes to offer its services throughout the entire state.

The Commission notes that the applicant's authority in the state of Nebraska was previously revoked in Application No. C-2540/DC-35 for failure to file an annual report. Applicant has entered into a stipulation and has paid all applicable fines to be considered for re-entry. In the event that applicant fails to file their annual report in the future, they will be considered a willful violator of the rules and regulations of this Commission relating to reporting requirements.

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 NetworkIP 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-2714 be, and it is hereby, granted and NetworkIP, LLC, is authorized to operate as an interexchange carrier of telecommunications services in 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. §§ 86-1302 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 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 26th day of  
November, 2002.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Chair

ATTEST:

Executive Director