

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-3223
of US LEC Communications, Inc.,)
Charlotte, North Carolina,)
seeking authority to provide) GRANTED
interLATA interexchange)
telecommunications services in)
the State of Nebraska.) Entered: August 24, 2004

BY THE COMMISSION:

On June 10, 2004, an application was filed by US LEC Communications, Inc. (US LEC) of Charlotte, North Carolina, seeking authority to provide interLATA interexchange telecommunications services in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on June 17, 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

US LEC is a North Carolina corporation with its headquarters in Charlotte, North Carolina. US LEC has been authorized by the Secretary of State to operate in Nebraska as a foreign corporation. The applicant proposes to offer switched and dedicated access "1+" long distance telecommunications services suitable for voice and limited data applications throughout the state utilizing existing network facilities.

US LEC submitted a detailed description of the professional and technical expertise of the applicant's management team. US LEC has been granted authority to provide a mix of local, interexchange (IXC), and resale of IXC telecommunications services in 40 other states and the District of Columbia. No formal complaints, investigations, or enforcement proceedings have been brought against US LEC within the last two years.

The public will benefit due to the availability of competitive service, increased incentives for efficiency among existing providers, and access to new technologies.

Interexchange reseller applications are subject to Commission jurisdiction under Neb. Rev. Stat. § 86-805 and Neb. Admin. Code tit. 291, ch. 5, § 003.12A. Following examination of the application filed herein, the Commission determines that US LEC has provided 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. Approval of US LEC's application will serve the public interest. The application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-3223 be, and it is hereby, granted and US LEC Communications, Inc., is authorized to provide interLATA interexchange 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.

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MADE AND ENTERED at Lincoln, Nebraska, this 24th day of August 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Thomas Johnson

Ann C. Ruge

F. E. Landis

//s// Frank E. Landis

//s// Gerald L. Vap

Chair

Gerald L. Vap

ATTEST:

And S. Follon

Executive Director