

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-3304  
of Touchtone Communications, )  
Inc., Whippany, New Jersey, )  
seeking authority to operate as ) ORDER DISMISSING APPLICATION  
a resale common carrier of )  
telecommunications services )  
within the state of Nebraska. ) Entered: May 2, 2006

BY THE COMMISSION:

O P I N I O N     A N D     F I N D I N G S

By application filed November 15, 2004, Touchtone Communications, Inc. (Applicant), of Whippany, New Jersey, seeks 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 November 18, 2004. No protests or interventions were filed. Upon review of the application the Commission staff determined the applicant lacked the required positive capitalization as required by rule 003.12A15 in Title 291 Neb. Admin. Code, Chapter 5 of the Commission's Telecommunication Rules and Regulations.

The Commission held a hearing on the application on June 8, 2005. At the hearing, the Commission indicated its desire to see applicant file a performance bond in order to meet the Commission's financial fitness requirements. To date no bond has been filed. On February 28, 2006, the Commission entered an Order of Pending Dismissal, requiring the applicant to file a response on or before March 28, 2006. No response was filed.

Therefore, the Commission enters this order dismissing the application without prejudice. The applicant may re-file its request if it desires to seek resale common carrier authority within the state of Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Touchtone Communications, Inc., shall be, and it is hereby, dismissed without prejudice.

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MADE AND ENTERED at Lincoln, Nebraska this 2nd day of May, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Arnold Lup*  
*Anne C. Boyle*  
*Red Johnson*

//s// Lowell C. Johnson  
//s// Frank E. Landis

*Lowell Johnson*  
Chairman

ATTEST:

*ALS Pollok*  
Executive Director