

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-3455  
of NECC Telecom, Inc., )  
Jeffersonville, Indiana, seeking )  
authority to operate as a resale ) GRANTED  
common carrier of )  
telecommunications services )  
within the state of Nebraska. ) Entered: September 7, 2005

BY THE COMMISSION:

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

By its application filed July 26, 2005, NECC Telecom, Inc. of Jeffersonville, Indiana (Applicant or NECC) seeks authority to operate as an interexchange carrier within the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on August 1, 2005. No protests or interventions were filed; therefore, this application is processed in accordance with the Commission's Rule of Modified Procedure.

Applicant is an Indiana corporation with its principal place of business in Jeffersonville, Indiana. Applicant requests authority to operate as a switch-based interexchange resale carrier and to provide switched and dedicated to switched interexchange telecommunications services in the exchanges where the Commission has authorized local competition. Applicant intends to serve business and residential customers.

Applicant proposes to offer switched and dedicated access "1+" long distance telecommunications services suitable for voice and limited data applications in the State of Nebraska, along with prepaid calling cards, postpaid calling cards, toll-free service and directory assistance. The Applicant does not propose to provide alternative operator services nor require advance payments or deposits.

The Applicant provided a list of its officers and directors in its application. The applicant also asserted in its application that it has the overall technical experience needed to provide the services for which it has applied. Additionally, the applicant listed the 47 jurisdictions in which it has approval to provide long distance services. The application stated that no officer, director or shareholder having 5 percent or more of the applicant's voting securities have been involved in a formal complaint or other investigatory or enforcement

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proceeding. The Applicant provided with its application a copy of its independently-prepared financial statements for 2002, 2003, and 2004. These statements appear as Exhibit 3 to the application filed under separate cover marked "confidential". The applicant does not have an annual report.

The application stated that the Commission's granting of the application would serve public interest. The applicant stated that its proposed intrastate telecommunications services are developed to service the needs of subscribers who cannot otherwise realize similar cost savings through major carriers. An increase in the traffic generated through provision of Applicant's proposed intrastate services over existing major carriers' communications facilities will improve the efficiency and reduce major carriers' costs in provision of these services. Also, the public will benefit from greater consumer choice created through the broadening of innovative telecommunications service alternatives and ongoing affordable rates maintained by the additional competitive pressure placed on other competitors.

Interexchange reseller applications are subject to Commission jurisdiction under Neb. Rev. Stat. §§ 86-128 and 86-129 and Title 291 of the Commission's Rules and Regulations, Chapter 5, Rule 003.12. From examination of the application filed herein and the additional financial information, the Commission finds that NECC provided all the information required by the Commission, possesses adequate financial resources to provide the proposed service and adequate technical competency to provide the proposed service. Moreover, from the information provided, the Commission finds approval of the application would serve the public interest.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-3455 be, and it is hereby, granted and NECC Telecom, Inc. is authorized to provide interexchange telecommunication services within 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. §§ 86-301 to 86-315) and the Nebraska Telecommunications Universal Service Fund Act (Neb. Rev. Stat. §§ 86-316 to 86-329).

IT IS FURTHER ORDERED that applicant file its current tariff, along with the appropriate fee, 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 7th day of September, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Louise Johnson*

vice - Chairman

*Rod Johnson*

*Ann C. Boyle*

//s// Rod Johnson

//s// Frank E. Landis

ATTEST:

*Art S. Pollard*

Executive Director