

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Telmex USA,) Application No. C-3488
LLC, Miramar, Florida,)
seeking authority to operate) GRANTED
as an interexchange carrier)
of telecommunication services)
within the state of Nebraska.) Entered: November 29, 2005

BY THE COMMISSION:

By application filed September 23, 2005, Telmex USA, LLC (Telmex or Applicant), Miramar, Florida, seeks authority to operate as an interexchange carrier of telecommunication services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on September 29, 2005. 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

Applicant is a Delaware corporation with its headquarters in Miramar, Florida. Applicant is authorized by the Secretary of State to operate in Nebraska as a foreign corporation. In addition, no officer, director or shareholder having five percent or more of the Applicant's voting securities has been involved in a formal complaint or other investigatory or enforcement proceeding.

Applicant is a switch-based interexchange resale carrier providing switched and dedicated interexchange telecommunications services to businesses. Applicant proposes offering these services in the state of Nebraska. All network transmission services are supplied by the Applicant's certified underlying carriers. Applicant has a switch located in Miami, Florida, which will be used to switch certain services, such as prepaid calling cards. All network services in Nebraska will be delivered through underlying certificated carriers. Except in the case of prepaid calling cards, Applicant bills customers directly. Customer service for prepaid calling cards is available twenty-four hours a day, seven days a week. For all other services, Applicant's customer service representatives are available through a toll free 800 number during normal business hours.

Applicant proposes to offer switched and dedicated access distance telecommunications services suitable for voice and limited data application. Initial service offerings will consist of prepaid calling cards. Applicant does not propose to provide alternative operator services nor require advance payments or deposits except for prepaid calling card services.

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 Applicant 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. Applicant further demonstrated that a grant of this application would serve the public interest. Based on the information submitted by Applicant, the application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-3488 be, and it is hereby, granted and Telmex USA, LLC is authorized to operate as an interexchange carrier of telecommunications 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

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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 29th day of November, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell Johnson

Vice Chairman

Rod Johnson

Anne C. Boyle

//s// Rod Johnson
//s// Frank E. Landis

ATTEST:

Al J. Pollak
Executive Director