

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) Application No. C-3528  
Application of Newcastle )  
Holdings, Inc., Charlotte, )  
North Carolina, seeking ) GRANTED  
authority to operate as an )  
interexchange carrier of )  
telecommunications service )  
within the state of Nebraska. ) Entered: February 22, 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 December 27, 2005, Newcastle Holdings, Inc. (Applicant), Charlotte, North Carolina, seeks authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 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 North Carolina corporation with its headquarters in Charlotte, North Carolina. Applicant is authorized by the Secretary of State to operate in Nebraska as a foreign corporation.

Applicant intends to provide switchless, non-facilities-based interexchange, resold telecommunications services to residences. Applicant proposes to offer this service throughout Nebraska. From time to time, Applicant may offer other services provided by other wholesale long distance carriers. Applicant does not own facilities and is solely dependant on the technical capabilities of its underlying carrier, AT&T Communications.

Applicant will bill its customers directly. Applicant proposes to offer resold "1+" long distance telecommunications services suitable for voice applications in the state of Nebraska. The Applicant does not propose to provide alternative operator services. Applicant will not collect advance payments or deposits from Nebraska customers.

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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 and possesses adequate financial resources and technical competency to provide the proposed service. The Commission finds that a grant of this application would serve the public interest. Accordingly, the application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-3528 be, and it is hereby, granted and Newcastle Holdings, 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.

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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 22<sup>nd</sup> day of February, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*David F. Vep*  
*Anne C. Boyle*  
*Rock Johnson*

*Lowell C. Johnson*  
Chairman

ATTEST:

*And S. Pollack*  
Executive Director

//s// Lowell C. Johnson

//s// Frank E. Landis

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