BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of New Rochelle Telephone Corporation, White Plains, New York, seeking authority to provide competitive local exchange and interexchange telecommunications services within the state of Nebraska.	)	Application No. C-3408 GRANTED Entered: June 14, 2005

BY THE COMMISSION:

By application filed April 20, 2005, New Rochelle Telephone Corporation (New Rochelle or Applicant), White Plains, New York, seeks authority to provide competitive local exchange and interexchange telecommunications services within the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 26, 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

New Rochelle is a New York corporation with its headquarters in White Plains, New York. New Rochelle is a wholly-owned subsidiary of eLEC Communications Corp. which is also a New York company. Applicant is authorized to provide local exchange and interexchange telecommunications services in Florida, Massachusetts, Michigan, Nevada, New Jersey, New York, Ohio, and Pennsylvania.

Applicant proposes to provide competitive local exchange service and interexchange services to residential and business customers. Applicant may, based on customer requests, install and maintain a switching location within the state in the near future. Applicant will not provide operator assisted services. Applicant requests authority to provide local exchange service in all areas defined by the existing exchange areas in which Qwest, ALLTEL, Citizens-Frontier and Sprint are authorized to operate in Nebraska.

Applicant plans to provide service through a combination of resale of ILEC services in combination with UNEs. Applicant may eventually collocate its equipment in central offices and/or carrier hotels as feasible.

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Applicant will bill all of its end-user customers directly. Applicant will provide customers with toll free assistance for complaints and inquiries.

Applicant states that a grant of this authority would serve the public interest through consumer choice, improved quality of customer service and lower prices.

OPINION AND FINDINGS

The Commission considers this application for authority in light of the following criteria and standards established in the Commission's telecommunications rules:

(a) Whether the applicant has provided the information required by the Commission;

(b) Whether the applicant has provided a performance bond, if required;

(c) Whether the applicant possesses adequate financial resources to provide the proposed service;

(d) Whether the applicant possesses adequate technical competence and resources to provide the proposed service;

(e) Whether the applicant possesses adequate managerial competence to provide the proposed service; and

(f) Whether granting the applicant a certificate preserves and advances universal service, protects the public safety and welfare, ensures the continued quality of telecommunications services and safeguards the rights of consumers, pursuant to Section 253(b) of the Act.

Applicant has demonstrated that it meets the standards of financial, technical and managerial competence and all other criteria necessary to provide local exchange service in the exchange areas in which Qwest, ALLTEL, Citizens-Frontier and Sprint (United) are authorized to operate an interexchange service within the state of Nebraska. No party in this proceeding refuted the Applicant's competence.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria to apply when considering applications to provide interexchange and local exchange service in the above-mentioned territories. All

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telecommunications carriers seeking such a certificate must demonstrate that they meet, at a minimum, the standards and criteria set forth herein.

Before the Applicant is allowed to provide local exchange service to its users, it must either:

(a) Through negotiation or arbitration, reach an interconnection/resale agreement with the pertinent incumbent local exchange carrier and receive Commission approval of the interconnection/resale agreement; or

(b) In the event a certified local exchange carrier provides a wholesale tariff, purchase rates from that tariff, file its own tariff and receive Commission approval of its tariff.

This order does not terminate, waive or in any manner diminish the exemptions and protections created by the Act for rural carriers, as defined by the Act. This order does not address the issue of the rural local exchange carrier exemption under the Act. Rural exemptions may be terminated, suspended or modified only as provided in Section 251(f) of the Act.

Prior to providing local exchange service in any area in the state of Nebraska, applicant must file tariffs in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs. Title 291, Chapter 5.

As a provider of local exchange service in the state of Nebraska, applicant would be subject to the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange company except those obligations imposed on ILECs pursuant to Section 251(c) of the Act.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-3408 be, and it is hereby, granted as provided herein and New Rochelle Telephone Corporation is authorized to operate as a competitive local exchange carrier and as an interexchange telecommunications carrier within the state of Nebraska.

IT IS FURTHER ORDERED that the applicant comply with Section 251(f)(1)(B) of the Telecommunications Act of 1996 and that the Applicant submit any bona fide request(s) for

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interconnection, services or network elements from a rural telephone company to the Commission for its approval.

IT IS FURTHER ORDERED that Applicant is obligated to abide by the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other interexchange and local exchange carriers, except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

IT IS FURTHER ORDERED that the Applicant comply with all necessary statutes and Commission Rules and Regulations as they pertain to the Nebraska Universal Service Fund.

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.

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MADE AND ENTERED at Lincoln, Nebraska, this 14th day of June, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell A. Johnson

Anne C. Boyle

//s// Frank E. Landis
//s// Gerald L. Vap

Chairman

ATTEST:

Executive Director

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