

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-3828  
of HunTel CableVision, Inc., )  
d/b/a HunTel Communications, )  
Blair, seeking expanded )  
authority to provide resold and )  
facilities-based competitive ) GRANTED  
local exchange )  
telecommunications services in )  
the entire State of Nebraska. ) Entered: August 1, 2007

BY THE COMMISSION:

By Application filed June 25, 2007, HunTel CableVision, Inc., d/b/a HunTel Communications, of Blair ("HunTel" or "Applicant"), seeks to expand its designation as a resale and facilities-based competitive local exchange telecommunications carrier pursuant to Title 291, Article 5, § 002.49 of the Nebraska Public Service Commission Rules and Regulations for the entire State of Nebraska. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on June 28, 2007. No protests or formal interventions 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

The Applicant was authorized by this Commission on February 11, 2003, in Docket C-2862, to be a resale and facilities-based competitive local exchange carrier within certain limited areas of the State of Nebraska. In that Application, after reviewing the evidence submitted by HunTel, it was determined that HunTel satisfied each of the requirements set forth in the Commission's Rules and Regulations to receive a certificate of public convenience and necessity to provide local exchange services in Nebraska. The Application was approved unanimously.

In the current Application, HunTel seeks to expand its competitive local exchange authority to allow HunTel to operate in the entire State of Nebraska. The material presented herein to support this Application is substantially similar to the information that was previously reviewed and subsequently approved in Docket C-2862.

HunTel is a corporation organized under the laws of the state of Nebraska with its principal headquarters located in Blair, Nebraska. Applicant is a corporation whose sole shareholder is HunTel, Inc. No officer, director or shareholder has been involved in a formal complaint or other investigatory or enforcement proceeding.

Applicant has been providing cable television and internet access services in Nebraska since 2001 and telecommunications services since 2003. Applicant only operates in the State of

Nebraska. Applicant is a facilities-based and resale provider of competitive local exchange services.

HunTel provides customer service through a local number during normal business hours and has a local number for repairs outside of normal business hours. HunTel plans to provide repair service coverage seven days a week, 24 hours a day. Applicant provides emergency call services, directory assistance, operator services, and other ancillary services.

In support of its managerial, technical and financial capabilities, Applicant submitted a description of its senior officer's management and telecommunications experience. Applicant further supplemented its application with detailed financial statements.

Applicant states that a grant of the proposed application is in the public interest because the public will benefit from greater consumer choice created through the broadening of telecommunications service alternatives and affordable rates maintained by competitive pressure.

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 competitive local exchange service in the entire State of Nebraska.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria to apply when considering applications to provide local exchange service in the above-mentioned territories. All 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 in the expanded areas of its authority, 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 the Applicant is not currently serving, Applicant must ensure all tariffs currently on file with the Commission are in accordance with the provisions of Section 002.21 of the Neb. Admin. Rule. & Regs. Title 291, Chapter 5.

As a provider of local exchange service in the State of Nebraska, Applicant continues to 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.

Upon consideration of the application, the governing statutes and rules, and being fully informed, the Commission is of the opinion the application should be granted.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Application of HunTel CableVision, Inc., d/b/a HunTel Communications, should be and it is hereby granted and HunTel is hereby designated as a competitive local exchange carrier in the entire 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 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 local exchange carriers, except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

IT IS FURTHER ORDERED that, to the extent Applicant provides access line service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-301 through 86-315 (Relay Act) and defined in Neb. Admin. R. & Reg. Title 291, Chapter 5 § 001.01B, the Applicant shall collect from its subscribers a surcharge (Relay Surcharge) pursuant to the relay act and the Commission's annual orders establishing the amount of the surcharge, and shall remit to the Commission the proceeds from the relay surcharge as provided by the relay 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 Applicant shall file, in accordance with the applicable statutes, on or before April 30 of each year, an annual report with the Commission consisting of: (a) a copy of the ARMIS filed with the Federal Communications Commission if applicable; (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 such reports are unavailable, Applicant shall file a balance sheet and income statement for the previous year of operation, and for the state of Nebraska on a combined interstate-intrastate basis, the investment in the telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses and taxes.

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MADE AND ENTERED at Lincoln, Nebraska this 1st day of August, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*John F. Sunde*  
Vice - Chairman

*David L. Vop*

*Anne C. Boyle*

*Tim Schorn*

//s// Frank E. Landis

ATTEST:

*A. B. Pollak*  
Executive Director

