

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. C-4171
Application of IT)
Communications, LLC, Newton,)
Iowa, seeking authority to)
operate as a local exchange) GRANTED
carrier and interexchange)
carrier of telecommunications)
services within the State of)
Nebraska.) Entered: July 14, 2009

BY THE COMMISSION:

By its application filed May 15, 2009, IT Communications, LLC, ("Applicant"), Newton, Iowa, seeks authority to operate as a facilities-based and resale local exchange carrier and interexchange carrier of telecommunications services within the State of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on May 19, 2009. 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 S A N D F I N D I N G S

Applicant is a limited liability company organized under Iowa law with its principal offices located in Newton, Iowa. Applicant is authorized to transact business in Nebraska. The Applicant is currently operating as a local exchange carrier, interexchange carrier and internet service provider in Iowa. Applicant has no pending applications of authority in any other states or jurisdictions except the above-captioned application for authority in Nebraska. None of the Applicant's officers have been the subject of any formal complaints or other investigatory proceedings. The Applicant was involved in certain formal complaints before the Iowa Utilities Board regarding interconnection agreements and switched access charges. None of the proceedings were initiated by the Iowa Utilities Board.

Applicant seeks authority to provide facilities-based and resold local exchange and interexchange telecommunication services throughout the State of Nebraska in areas served by carriers not eligible for a small or rural carrier exemption pursuant to Section 251(f)(1) of

the Federal Telecommunications Act of 1996. Applicant plans to provide telecommunications services suitable for voice and limited data applications.

The Applicant maintains a toll-free 800 number 24 hours a day, seven days a week for billing and customer service related issues and inquiries.

Further, the Applicant shall and has agreed to comply with all state and federal rules and regulations governing the provisions of dialtone or voice grade service.

Exhibits 7a, 7b and 7c to the application contains their most recent financial statements. The Applicant does propose to require advanced payments or deposits in certain limited circumstances as outlined in its sample tariff attached to the application and pursuant to Commission rules and regulations.

Applicant states it possesses the necessary technical expertise and management team to serve Nebraska customers. In Exhibit 6 to the application, Applicant provided profiles of its key executive and technical management.

Applicant states a grant of this application will serve the public interest because Applicant's proposed services are developed to serve the local needs of subscribers who cannot otherwise realize similar cost savings through local carriers. IT states that its presence in the Nebraska telecommunications market will create more consumer choice through broadening of innovative telecommunications service alternatives and ongoing affordable rates maintained by the additional competitive pressure placed on other competitors.

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 and interexchange services in the 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 interexchange and local exchange services. 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 to its users, it must either:

1. 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
2. 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 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, Ch. 5.

Upon the offering of interexchange and/or local exchange services 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 No. C-4171 be, and hereby is, granted.

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, to the extent Applicant provides service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-301 through 86-315 (TRS Act) and defined in Neb. Admin. R. & Reg. Title 291, ch. 5 § 010 (TRS Rules), the Applicant shall collect from its subscribers a surcharge (TRS Surcharge) pursuant to the TRS Act, TRS Rules and the Commission's orders establishing the amount of the TRS Surcharge, and shall remit to the Commission the proceeds from the TRS Surcharge as provided by the TRS Act and the TRS Rules.

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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 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 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.

IT IS FURTHER ORDERED that within 30 days from the entry of this order that the Applicant file a tariff and pay appropriate filing fees with the Commission as required by state statutes and the Commission's regulations.

IT IS FINALLY ORDERED that this order be, and hereby is, made the Commission's official Certificate of Public Convenience and Necessity to the Applicant to provide facilities-based and resold interexchange and local exchange telecommunications services in the State of Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of July, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Donald J. Vop

Frank E. Landis
Chairman

James C. Doyle

ATTEST

Tom Schram

Shirley J. [Signature]
Executive Director

//s// Frank E. Landis