

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter Touchtone ) Application No. C-3304  
Communications, Inc., Whippany, )  
New Jersey, seeking authority to )  
operate as a resale common ) ORDER OF PENDING DISMISSAL  
carrier of telecommunications )  
services within the state of )  
Nebraska. ) Entered: February 28, 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 November 15, 2004, Touchtone Communications, Inc. (applicant), Whippany, New Jersey, seeks authority to operate as a resale common carrier of telecommunications services within the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska on November 18, 2004. No protests or interventions were filed. Upon review of the application the Commission staff determined the applicant lacked the required positive capitalization as required by rule 003.12A15 in 291 Neb. Admin. Code, Chapter 5 of the Commission's Telecommunication Rules and Regulations. Accordingly, the Commission held a hearing on the application on June 8, 2005. At the hearing, the Commission indicated its desire to see applicant file a performance bond in order to meet the Commission's financial fitness requirements. To date no bond has been filed. Therefore, the Commission enters this order of pending dismissal to put the applicant on notice that this application will be dismissed if no response to this order is filed on or before March 28, 2006. The response should indicate whether the applicant is attempting to comply with the Commission's financial competency requirements.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Touchtone Communications, Inc. has until March 28, 2006, to provide the Commission with a written response indicating that it is attempting to meet the Commission's financial fitness requirements.

MADE AND ENTERED at Lincoln, Nebraska this 28th day of February, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald X. Vay*

*Frank E. Landis*

*Lowell C. Johnson*

*Lowell C. Johnson*  
Chairman

ATTEST:

*John Burdick*  
Deputy Director

//s// Lowell C. Johnson

//s// Frank E. Landis