

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the)	Application No.911-020.05/
Nebraska Telephone)	DC-78
Infrastructure and Public Safety)	
Department of the Nebraska)	
Public Service Commission,)	
)	
Complainant,)	
v.)	
)	
Broadview Networks, Inc.; Cozad)	
Telephone Company; Dark Fiber)	
Solutions, Inc.; Ernest)	
Communications, Inc.; Lightyear)	ORDER TO DISMISS AND
Network Solutions LLC; McLeod)	CANCEL HEARING
USA Telecommunications)	
Services/Paetec Business)	
Services; Northstar Telecom,)	
Inc.; NOS Communications, Inc.;)	
Reliance Communications, Inc.;)	
Sprint Communications LP; TCG)	
Omaha; and Wholesale Carrier)	
Services, Inc.,)	
)	
Respondent(s).)	Entered: July 12, 2011

BY THE COMMISSION:

On May 17, 2011, Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department (Complainant), filed a complaint in this docket alleging a violation of Neb. Rev. Stat. § 86-437. Complainant alleged Respondents failed to timely file with the Commission annual reporting information as required by § 86-437(2) by April 30, 2011. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

Subsequent to filing the complaint, it was determined that Respondent listed below did not do business in Nebraska:

Broadview Networks, Inc.

Broadview submitted a letter to the Commission stating that it did not provide service in Nebraska during the 2010 calendar year. Therefore, the Commission finds that Broadview should be dismissed from the complaint.

Additionally, Respondents listed below have submitted the required report in compliance with Commission requirements:

**Lightyear Network Solutions LLC
Northstar Telecom, Inc.**

Lightyear has signed a stipulation with Complainant wherein Lightyear has agreed to pay an administrative fine and costs to dismiss the departmental complaint. The Commission finds that the signed stipulation and payment is satisfactory and therefore Lightyear should be dismissed from the complaint.

Northstar is subject to administrative fines and costs for failure to timely file its report. However, due to Northstar's current bankruptcy proceedings, the Commission finds that Northstar should be dismissed from the complaint without prejudice and that any administrative fines and costs should not be assessed at this time. The Commission reserves the right to assess Northstar with any due administrative fines or costs once Northstar has emerged from bankruptcy.

Lightyear and Northstar should be aware that this Commission will not tolerate similar behavior in 2012 regarding the filing of the 2011 report. If reports are not postmarked on or before April 30, 2012, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and be subject to the maximum penalty allowed.

The complaint has been resolved against all Respondents. Therefore, the Commission finds that the hearing previously scheduled for July 26, 2011 should be cancelled.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Broadview Networks, Inc., Lightyear Network Solutions LLC, and Northstar Telecom, Inc. be, and are hereby, dismissed from the complaint.

IT IS FURTHER ORDERED that the hearing previously scheduled for July 26, 2011 is hereby cancelled.

MADE AND ENTERED at Lincoln, Nebraska this 12th day of July,
2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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MADE AND ENTERED at Lincoln, Nebraska this 12th day of July, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Red Johnson
Bruce Boege
Gerald L. Ugo

//s//Frank E. Landis
//s//Tim Schram

Tim Schram
Chairman

ATTEST:

Michael J. ...
Executive Director