

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Jeffrey L.) Application No. 911-020/DC-73
Pursley, Director of the)
Nebraska Telephone)
Infrastructure and Public Safety)
Department of the Nebraska)
Public Service Commission,)
)
 Complainant,)
v.) ORDER TO DISMISS IN PART
)
)
Budget Phone, Inc. d/b/a Budget)
PrePay; BullsEye Telecom, Inc.;)
Excel; Ionex Communications)
North, Inc. a/k/a Birch Telecom,)
Inc.; MCImetro Access)
Transmission Services, LLC; NOS)
Communications, Inc.; Orbit.com;)
Vartec,)
 Respondents(s).) Entered: August 8, 2006

BY THE COMMISSION:

On June 27, 2006, Jeff Pursley, Director of the Nebraska Telephone Infrastructure and Public Safety Department (Complainant) filed a complaint against the above-captioned Respondents alleging violation of Neb. Rev. Stat. § 86-437 (Cum. Supp. 2004).

Complainant alleged that the Respondents failed to timely file information with the Commission regarding 911 and Enhanced 911 as required by § 86-437(2) by April 30, 2006. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements. The Commission entered an order to show cause on June 27, 2006 and each of the respondents received a copy of the complaint by certified mail.

The companies listed below have signed a stipulation with the Complainant wherein each respondent has agreed to pay an administrative fine to dismiss the departmental complaint:

Ionex Communications North, Inc. a/k/a Birch Telecom, Inc.
NOS Communications, Inc.
Orbit.com

Additionally, each Respondent has submitted the required report in compliance with Commission requirements and agreed to fine amount. The Commission finds that the signed stipulations are satisfactory and therefore the above-listed Respondents should be dismissed from the complaint.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2007 regarding the filing of the 2006 report. If reports are not postmarked on or before April 30, 2007, 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.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that **Ionex Communications North, Inc. a/k/a Birch Telecom, Inc.; NOS Communications, Inc.; and Orbit.com** be, and are hereby, dismissed from the departmental complaint.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director