

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint)	Application No. NUSF-14
of the Nebraska Public Service)	C-2106
Commission Universal Service)	DC-31
Department seeking an order to)	
cease and desist operations and)	ORDER OPENING DOCKET
to revoke the certificates of)	
public convenience and necessity)	
issued to Excel Telecommunications,)	
Inc.)	Entered: August 8, 2000

BY THE COMMISSION:

1. The complaint named in caption seeks an order revoking the intrastate operating authority of Excel Telecommunications, Inc. Said carrier is a telecommunications company generally regulated by the Commission pursuant to Neb. Rev. Stat. Section 75 Chapters 1 and 6 (1999 Supp.), as well as sections 86-801 to 86-811 and 86-1401 to 86-1410 (Reissue 1999). Defendant is also governed by Title 291, NAC Chapters 1 and 5 of the Commission's Rules and Regulations.

2. As part of its regulatory authority pursuant to the Nebraska Telecommunications Universal Service Fund Act, the Commission, on September 15, 1997, opened Docket No. C-1628 to investigate the structure of intrastate access charges and to establish a Nebraska Universal Service Fund. All certificated interexchange and local exchange carriers were named as parties in that docket and were mailed a copy of said order.

3. On March 9, 1999, the Commission entered Progression Order #5 in Docket No. C-1628/NUSF that required all interexchange carriers to file toll plans on or before August 1, 1999. Such plans were to demonstrate that the access reductions filed by local exchange carriers will be passed-through to end users as required by Neb. Rev. Stat. Section 75-609(3). All interexchange companies were mailed a copy of this order on March 11, 1999.

4. Based on the failure of the defendant to demonstrate the required access flow-through, and the defendant's disregard of the requests to do so, the defendant is ordered to appear before the Commission on September 12, 2000, at 11:00 a.m. CDT in the Commission Hearing Room, 1200 "N" Street, 300 The Atrium, Lincoln, to show cause as to why its certificate of authority should not be revoked.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Excel Telecommunications, Inc. shall be, and is hereby, ordered to appear before the Commission on September 12, 2000, at 11:00 a.m. in the Commission Hearing Room, 1200 "N" Street, 300 The Atrium, Lincoln, Nebraska to show cause as to why its certificate of authority should not be revoked for the reasons set forth above.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of August, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Ann C. Boyle

Thad Lund
Chairman

Lowell C. Johnson

//s//Lowell C. Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller

ATTEST:

John Burdette
Deputy Director