

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission        ) Application No. NUSF-32.04  
on its own motion, seeking to        )  
conduct an inquiry into the        )  
failure of various companies to        ) ORDER INITIATING SHOW CAUSE  
comply with Commission Orders        ) AND SETTING HEARING  
and, at its own discretion,        )  
impose administrative fines        )  
against the named defendants.        ) Entered: March 22, 2005

BY THE COMMISSION:

O P I N I O N     A N D     F I N D I N G S

As part of its regulatory authority pursuant to the Nebraska Telecommunications Universal Service Fund Act, the Commission, on March 28, 2000, entered an order in Application No. NUSF-1, Progression Order No. 7 (Progression Order No. 7), requiring all companies whose revenues, subject to assessment of the Nebraska Universal Service Fund (NUSF) surcharge, are greater than \$1,000,000 in a NUSF fiscal year, shall have all information used for the determination of intrastate retail telecommunications services revenue subject to the NUSF surcharge, audited on an annual basis. This audit is to be performed by an independent third party, with audit results for a calendar year being due before the end of the next calendar year.

At this time, the Commission has failed to receive the required information and finds it appropriate to initiate a show cause proceeding requiring:

**Lightyear Communications, Inc.**  
**MCI Worldcom Communications, and**  
**Tracfone Wireless, Inc.**

to appear before the Commission at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska on **May 11, 2005** at 1:30 p.m. and show cause why said companies have failed to comply with NUSF-1, Progression Order No. 7, and Title 291, Chapter 10, Rule 003.05 of the Nebraska Administrative Code, and why the Commission should not impose administrative penalties against said companies pursuant to Neb. Rev. Stat. § 75-156 (2003) for failing to comply with the Commission rules and orders described herein.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-named companies be and are hereby ordered to Show Cause why the Commission should not assess upon said companies administrative penalties for failure to comply with NUSF-1, Progression Order No. 7 and Title 291, Chapter 10, Rule 003.05 of the Nebraska Administrative Code.

IT IS FURTHER ORDERED that the above-named companies appear before the Commission on **May 11, 2005**, at 1:30 p.m., in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska for a hearing on this Show Cause Order.

MADE AND ENTERED at Lincoln, Nebraska, this 22<sup>nd</sup> day of March, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director