

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission        ) Application No. NUSF-32.05  
on its own motion, seeking to        )  
conduct an inquiry into the        )  
failure of Lightyear Network        ) ORDER INITIATING SHOW CAUSE  
Solutions LLC to comply with        ) AND SETTING HEARING  
Commission Orders and to impose        )  
administrative fines.        ) Entered: May 16, 2006

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.

On March 6, 2006, Lightyear Network Solutions, LLC (Lightyear Network) filed a Motion seeking an extension of time to submit its annual audit. Lightyear Network filed the Motion on behalf of itself and Lightyear Communications Inc. Lightyear Network stated that Lightyear Network acquired certain assets of Lightyear Communications Inc. and has committed to provide information to the Commission regarding the Lightyear Companies' NUSF remittance worksheets. Lightyear Network requested an extension until April 30, 2006. Lightyear Network filed the required audit information on May 12, 2006. Accordingly, the Commission finds it appropriate to initiate a show cause proceeding requiring:

**Lightyear Network Solutions, LLC**

to appear before the Commission at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska on **June 20, 2006** at 1:30 p.m. and show cause why Lightyear Communications, Inc. has failed to timely 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 Lightyear Network pursuant to Neb. Rev. Stat. § 75-156 (2003) for failing to timely 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 Lightyear Network Solutions LLC, be and it is hereby ordered, to Show Cause why the Commission should not assess upon said companies administrative penalties for failure to timely 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 Lightyear Network Solutions LLC appear before the Commission on **June 20, 2006** 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 16<sup>th</sup> day of May, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director