

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) SHOW CAUSE DISMISSED
Solutions LLC to comply with)
Commission Orders and to impose)
administrative fines.) Entered: May 31, 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 required audit information on May 12, 2006. On May 16, 2006, the Commission ordered Lightyear Network Solutions to show cause as to why administrative penalties should not be assessed.

On May 22, 2006, Lightyear Network filed a stipulation with the NUSF Director and paid an administrative penalty of \$120.00. In light of the stipulated agreement and penalty paid, the staff recommends that the Show Cause Order be dismissed. At this time, the Commission is of the opinion and finds that the stipulation should be approved and the Order to Show Cause should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Order to Show Cause opened against Lightyear Network Solutions LLC in the above-captioned docket be, and it

is hereby dismissed. The hearing previously set for June 20, 2006 in this matter shall be canceled.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of May, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice-Chairman

ATTEST:

Deputy Director