

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of) Application No. NUSF-32.05
the Nebraska Universal Service)
Fund Department of the Nebraska)
Public Service Commission,)
)
 Complainant,)
v.)
)
) COMPLAINT
)
Cricket Communications, Inc.)
)
 Respondent(s).)
)
) Filed: April 4, 2006

COMES NOW, Mr. Jeffrey L. Pursley, Director of the Nebraska Universal Service Fund (NUSF) Department of the Nebraska Public Service Commission (Commission) (hereinafter "Complainant") for Complaint against Cricket Communication, Inc., (hereinafter "Respondent") and alleges the following:

1. The Complainant is the Director of the Nebraska Universal Service Fund (NUSF) Department of the Nebraska Public Service Commission (Commission).

2. The Respondent(s) is a telecommunications company as defined by Neb. Rev. Stat. § 86-322 (Cum. Supp. 2002) and Title 291, Neb. Admin. R. & Regs. Chapter 10, Section 001.01W.

3. Jurisdiction is proper pursuant to Neb. Rev. Stat. § 86-316 et seq. and Title 291, Neb. Admin. R. & Regs. Chapter 10.

4. Pursuant to Section 003.05 of Title 291, Neb. Admin. R. & Regs. Chapter 10, "A telecommunications company whose assessable revenue is greater than one million dollars (\$1,000,000) in a given fiscal year shall have all information used in determining its assessable revenue audited. Such audit must be performed on an annual basis and a written report of the results of such audit shall be provided to the Department before the end of the fiscal year next following the audit period."

5. The Respondent filed a request for an extension of the deadline to file the 2004 NUSF Audit from December 31, 2005 to February 15, 2006. The Commission granted the request for an extension on January 24, 2006 and extended the deadline for Respondent to file the 2004 NUSF Audit to February 15, 2006.

7. The Complainant alleges that the Respondent named herein has violated section 003.05 of Title 291, Neb. Admin. R. & Regs. Chapter 10, by failing to file the required 2004 NUSF Remittance Worksheet Audit with the Nebraska Universal Service Fund Department by the end of the extension deadline of February 15, 2006 authorized by the Commission on January 24, 2006.

WHEREAS the Complainant therefore respectfully prays for an Order from the Nebraska Public Service Commission finding the Respondent named herein guilty of the alleged violation(s) and levying an administrative penalty against the Respondents for each violation pursuant to Neb. Rev. Stat. § 75-156, an amount not to exceed \$10,000 dollars per violation per day up to \$2 million dollars per violation per year. The Complainant further requests that the Commission grant any other relief it deems appropriate.

Respectfully Submitted,

Nichole Underhill, #22492
Staff Attorney
Nebraska Public Service Commission
300 The Atrium Building
1200 N Street
P.O. Box 94927
Lincoln, Nebraska 68509

State of Nebraska)
) ss
County of Lancaster)

VERIFICATION

Jeffrey L. Pursley, being first duly sworn on oath, deposes and says that he is the duly-appointed Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission; that he is the Complainant in the foregoing pleading; that he has read the allegations contained therein; and understands them to be true to the best of his knowledge and belief.

Jeffrey L. Pursley

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2006.

Notary Public

(SEAL)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Complaint was sent by First Class United States Mail postage prepaid on _____, 2006, to the following: Cricket Communications, Inc., c/o Dale Daenzer, Cricket Communications, Inc., 10307 Pacific Center Court, San Diego, CA 92121.

Nichole Underhill, #22492

N O T I C E

1. Pursuant to Neb. Admin. R. & Regs., title 291, chapter 1, section 005.09, the Respondent(s) is hereby notified that an answer to this complaint shall be filed and shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses which the Respondent may assert. The answer shall be filed with the Commission within twenty (20) days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint. Failure to file an answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty as provided by law; or (b) to proceed with the hearing and receive evidence of the alleged violation and to assess a civil penalty as provided by law.

2. Pursuant to title 291, chapter 10, section 007.01, the Commission may impose an administrative penalty not to exceed ten thousand dollars (\$10,000.00) for each violation per day up to two million dollars (\$2,000,000) per violation per year.