

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission) Application No. NUSF-32.06
on its own motion, seeking to)
conduct an inquiry into the)
failure of various companies to) ORDER INITIATING SHOW CAUSE
comply with Commission Rules or) AND SETTING HEARING
Orders and to impose)
administrative fines.) Entered: February 27, 2007

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 NUSF 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, to have all information used for the determination of intrastate retail telecommunications services revenue subject to the NUSF surcharge, audited on an annual basis. This rule was codified in Title 291 Neb. Admin. Code, Chapter 10, § 3.05. As required by Commission Order, 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.

As required by section 86-324 of the NUSF Act and Neb. Admin. Code, Chapter 10, § 4.06 all companies receiving NUSF support are required to have an audit performed by an independent third party, with audit results for a calendar year being due before the end of the next calendar year.

Certain companies who met this threshold either failed to timely file their audit report, failed to file a complete report, or failed to file an audit report altogether. Accordingly, the Commission finds it appropriate to initiate a Show Cause proceeding requiring:

Primus Telecommunications

to appear before the Commission at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska on **May 22, 2007** at 1:30 p.m. and show cause why it failed to timely comply with NUSF-1, Progression Order No. 7, and Title 291, Chapter 10, § 003.05,

or in the case of payment audits, § 004.06 of the Neb. Admin. Code, and why the Commission should not impose administrative penalties against it 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 the above-listed company, be and is hereby ordered, to Show Cause why the Commission should not assess upon said company administrative penalties for failure to timely comply with NUSF-1, Progression Order No. 7 and Title 291, Chapter 10, § 003.05 of the Nebraska Administrative Code or, in the case of payment audits, failure to timely comply with § 004.06.

IT IS FURTHER ORDERED that said company appear before the Commission on **May 22, 2007** 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 27th day of February, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director