

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,     ) Application No. NUSF-32.08  
on its own motion, seeking to         )  
conduct an inquiry into the            )  
failure of various companies to        ) ORDER TO SHOW CAUSE  
comply with Commission Rules or        )  
Orders and, to impose                   )  
administrative fines.                   ) Entered: April 14, 2009

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<sup>1</sup> (the NUSF Act) the Commission has adopted requirements to verify the accuracy of Nebraska Universal Service Fund remittances. Pursuant to Neb. Rev. Stat. § 86-324(2)(d), the Commission "shall require, as reasonably necessary, an annual audit of any telecommunications company to be performed by a third-party certified public accountant to insure the billing, collection, and remittance of a surcharge for universal service. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited."

Consistent with this statutory requirement, on April 10, 2007, the Commission entered an Order in Docket No. NUSF-33<sup>2</sup> which adopted remittance audit requirements for all telecommunications carriers contributing to the Nebraska Universal Service Fund (NUSF). As required by Commission Order, remittance audits are 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.

The Commission initiates this Order to Show Cause to determine whether the company listed below should be fined, or have its authority revoked for filing its remittance audit after the extension due date granted by the Commission, and if so, the appropriate penalty. The company subject to this Show Cause Order is as follows:

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<sup>1</sup> See Neb. Rev. Stat. § 86-315 et seq. (Cum. Supp. 2006).

<sup>2</sup> See NUSF- 33, *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund*, Order (April 10, 2007).

**Ionex Communications North, Inc.**

The above-listed company is required to appear before the Commission at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska on **May 19, 2009 at 1:30 p.m.** and Show Cause why it failed to timely comply with its April 10, 2007 Order in Docket No. NUSF-33 and, why the Commission should not impose administrative penalties against it pursuant to *Neb. Rev. Stat.* § 75-156 (2008) or revoke its authority, for failing to timely comply with the Commission's audit requirements.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Ionex Communications, be and is hereby ordered, to Show Cause why the Commission should not assess upon it an administrative penalty or revoke its operating authority for failure to timely comply with its Order entered in Docket No. NUSF-33 on April 10, 2007.

IT IS FURTHER ORDERED that said company appear before the Commission on **May 19, 2009 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 14<sup>th</sup> day of April, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director