

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 INITIATING SHOW CAUSE
comply with Commission Rules or) AND SETTING HEARING
Orders and to impose)
administrative fines.) Entered: March 3, 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 Act¹ (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

[S]hall 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 adopting remittance audit requirements for all telecommunications carriers contributing to the Nebraska Universal Service Fund (NUSF).² As required by that Order, remittance audits are to be performed by an independent third party, with audit results for a randomly selected audit period. In addition, consistent with that Order, the remittance audit was due on or before December 31st in the year the Commission notified the company of the audit requirement.

The companies listed below either failed to timely file a complete audit report or failed to file an audit report altogether. Accordingly, the Commission finds it appropriate to initiate a Show Cause proceeding requiring:

¹ See *Neb. Rev. Stat. § 86-315 et seq.* (2008).

² 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).

Amerivision Communications
Amp'd Mobile
Verizon Select Service
ACN Digital Phone Service
Business Productivity Solutions
Metropolitan Telecommunications
GP Communications
Houlton Enterprises
Quantumshift Communications
Reduced Rate Long Distance
Telrite Corp.
TRI-M Communications

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 the Commission's audit filing requirement and why the Commission should not impose administrative penalties against it pursuant to *Neb. Rev. Stat. § 75-156* (Cum. Supp. 2008) 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 companies, be and are hereby, Ordered to Show Cause why the Commission should not assess upon said companies administrative penalties for failure to timely comply with its Order entered in Docket No. NUSF-33 on April 10, 2007.

IT IS FURTHER ORDERED that said companies 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 3rd day of March, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director