

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission )	Application No. NUSF-32
on its own motion, seeking to )	
conduct an inquiry into the failure )	
of various companies to comply )	ORDER INITIATING INQUIRY
with Commission Orders and, at its )	AND SETTING HEARING
own discretion, impose administra- )	
tive fines against the named )	
defendants. )	November 19, 2002

BY THE COMMISSION:

The Commission, on its own motion, institutes this formal inquiry to investigate the failure of various companies to comply with Commission Orders and, at its own discretion, impose administrative fines against the named defendants.

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 Docket NUSF-1, Progression Order #7, requiring "all companies whose revenues, subject to assessment of the 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 shall be performed by an independent third party, with audit results for a fiscal year being due before the end of the next fiscal year. Accordingly, the audit results from the fiscal year from July 1, 1999, through June 30, 2000, shall be submitted on or before June 30, 2001." Likewise, those audit results from the fiscal year from July 1, 2000, through July 30, 2001, shall be submitted on or before June 30, 2002.

Based upon the failure of several companies to file their audit results by the Order's deadlines, Jeff Pursley, the Director of the Nebraska Universal Service Fund (NUSF), issued a memorandum on June 3, 2002, to those companies whose revenues, subject to assessment of the NUSF surcharge, were greater than \$1,000,000 in the Fiscal Years 1999/2000 and 2000/2001, as reported by each companies' submitted Remittance Worksheets, requiring that this information be submitted to the Commission on or prior to August 30, 2002. In the same memorandum of June 3, 2002, companies were apprised of the possibility that an administrative fine, pursuant to Nebraska Revised Statute 75-156, could be levied for failure to comply.

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Prior to August 30, 2002, several of the companies delinquent in the submission of the Commission's requested audit information, contacted the NUSF, requesting an extension of time, due to the fact that a third party auditing company was required to be engaged. Upon the receipt of several of these requests, and in consideration of the current auditing industry's failures and subsequent closings, the extension of time was granted to October 30, 2002.

At this time, the Commission has again failed to receive the requested information and believes that ATS Mobile Telephone, Inc.; ATT Wireless PCS, LLC; Global Crossing/Frontier Communications/ALLNET; LCI; Lightyear; McLeod USA Telecommunications Services; Omaha Cellular Telephone Company; TCG Omaha; Touch America; USA Paging LLC dba Long Distance USA; and Verizon Wireless Messaging Services should be required to appear before the Commission for a hearing on December 17, 2002, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

O R D E R

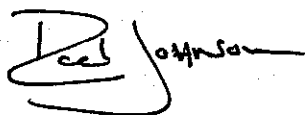
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-named companies are hereby ordered to appear before the Commission on **December 17, 2002 at 10:00 a.m.** in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska, to explain why they have failed to comply with Commission requests for information as required in Docket NUSF-1, Progression Order #7.

MADE AND ENTERED at Lincoln, Nebraska, this 19<sup>th</sup> day of November, 2002.

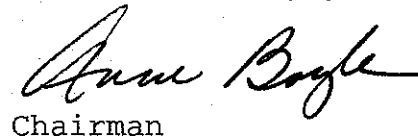
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:





//s//Anne C. Boyle  
///s//Lowell C. Johnson

  
Chairman

ATTEST:  
  
Executive Director