

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of) Application No. NUSF-37.134
the Nebraska Universal Service)
Fund Department of the Nebraska)
Public Service Commission,)
Complainant,)
v.) ORDER TO SHOW CAUSE
Budget Phone, Inc.,)
Respondent(s).)
Entered: January 15, 2008

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By Complaint dated July 24, 2007, Jeffrey L. Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department ("NTIPS") Department of the Nebraska Public Service Commission ("Commission") (hereinafter "Complainant") filed a Complaint against Budget Phone, Inc. (hereinafter "Respondent") alleging that Respondent failed to file the required remittance worksheets or remittance payments to the NTIPS Department by the 15th day following the end of the remittance period.

The Complaint was amended on December 18, 2007 by the Department alleging further failures by the Respondent to file the required remittance worksheets or remittance payments to the NTIPS Department by the 15th day following the end of the remittance period.

A copy of the original Complaint was mailed to the Respondent, by certified mail, on August 17, 2007. The Amended Complaint was mailed to the Respondent, by certified mail, on December 19, 2007. A copy of this order shall be mailed to the Respondent via certified mail.

The Respondent is a telecommunications company regulated by the Commission, pursuant to Neb. Rev. Stat. § 86-316 et seq. (Cum. Supp. 2006). The Respondent is also governed by Title 291, Neb. Admin. R. & Regs. Chapter 10 of the Commission's Rules and Regulations. The Respondent is a telecommunications company

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as defined by Neb. Rev. Stat. § 86-322 (Cum. Supp. 2006) and Title 291, Neb. Admin. R. & Regs. Chapter 10, Section 001.01W.

As part of its regulatory authority and pursuant to Section 003.01A of Title 291, Neb. Admin. R. & Regs. Chapter 10, the Commission, through its NTIPS Department, requires telecommunications companies to remit the Nebraska Universal Service Fund ("NUSF") surcharge on a monthly basis to the NUSF. Companies whose assessable revenue is less than \$20,000 for a given fiscal year are given the option of remitting on a quarterly basis.

Sections 003.02 and 003.03 further provide that remittance worksheets shall be received by the NTIPS Department no later than the 15th day following the end of a remittance period and all remittance payments must be transferred electronically to the Nebraska State Treasurer no later than the 15th day following the end of the remittance period.

To date, Respondent has failed to resolve the delinquency with the NTIPS Department. In consideration thereof, the Commission finds that the Respondent should be ordered to show cause as to why civil penalties should not be assessed and its certificate of public convenience and necessity should not be revoked. Furthermore, the Commission finds that a hearing should be scheduled on this matter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Budget Phone, Inc. is ordered to show cause as to why civil penalties should not be assessed and its certificate of necessity and convenience should not be revoked for failure to respond to the complaint filed in the above-captioned docket by the NTIPS Department and for failure to resolve the delinquency with the NTIPS Department.

IT IS FURTHER ORDERED that a copy of this order shall be mailed to Budget Phone, Inc. via certified mail.

IT IS FINALLY ORDERED that a hearing on this matter is scheduled for **February 12, 2008, at 1:30 p.m.** at the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

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MADE AND ENTERED at Lincoln, Nebraska, this 15th day of January, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald H. Hays

Anne C. Boyle

Chair

Frank E. Landis

ATTEST:

Tim Schram

Michael J. H. Hays

Executive Director

//s// Anne C. Boyle

//s// Frank E. Landis

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