

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| Sue Vanicek, Director of the    | ) | Application No. NUSF-37.189 |
| Nebraska Universal Service Fund | ) |                             |
| Department of the Nebraska      | ) |                             |
| Public Service Commission,      | ) |                             |
|                                 | ) |                             |
| Complainant,                    | ) |                             |
| v.                              | ) | ORDER TO SHOW CAUSE         |
|                                 | ) |                             |
|                                 | ) |                             |
| Cozac Wireless LLC dba Movida,  | ) |                             |
|                                 | ) |                             |
| Respondent(s).                  | ) |                             |
|                                 | ) | Entered: June 30, 2009      |

BY THE COMMISSION:

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

By Complaint dated March 31, 2009, Sue Vanicek, the 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 Cozac Wireless, LLC d/b/a Movida Communications (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.

A copy of the Complaint was mailed to the Respondent, by certified mail, on April 30, 2009. 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. (Reissue of 2008). 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 as defined by Neb. Rev. Stat. § 86-322 (Reissue of 2008) 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 15<sup>th</sup> day following the end of the remittance period.

To date, Respondent has failed to resolve the delinquency with the NTIPS Department or file an Answer. In consideration thereof, the Commission finds that the Respondent should be ordered to show cause as to why civil penalties should not be assessed. Furthermore, the Commission finds that a hearing should be scheduled on this matter. This hearing will be held in conjunction with hearings on Docket Nos. 911-033.09 and 911-030.31.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Cozac Wireless, LLC d/b/a Movida Communications is ordered to show cause as to why civil penalties should not be assessed 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 Cozac Wireless, LLC d/b/a Movida Communications via certified mail.

IT IS FINALLY ORDERED that a hearing on this matter is scheduled for **August 4, 2009, at 2:00 p.m.** at the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 30<sup>th</sup> day of June, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director