

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint) Application No. NUSF-37.63
of Jeffrey L. Pursley, Director)
of the Nebraska Universal)
Service Department of the)
Nebraska Public Service)
Commission,)
) ORDER SUSTAINING COMPLAINT
)
)
vs.)
)
Norstan Network Services, Inc.)
)
) Respondent(s).
) Entered: January 24, 2006

BY THE COMMISSION:

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

On June 14, 2005, Jeffrey L. Pursley, Director of the Nebraska Universal Service Fund (NUSF) Department of the Nebraska Public Service Commission (Commission) (hereinafter "Complainant") filed a Complaint against Norstan Network Services, Inc. (hereinafter "Respondent") alleging that Respondent failed to file the required remittance worksheets to the NUSF Department by the 15th day following the end of the remittance period. The complaint was amended on August 9, 2005. The complaint as amended, alleged that Respondent violated Section 3.02 of the Universal Service Fund Rules and Regulations by failing to timely file its remittance worksheets for the 4th Quarter, 2004, 1st Quarter, 2005 and 2nd Quarter, 2005.

A copy of the complaint was mailed to the Respondent, by certified mail, on June 22, 2005. A copy of the amended complaint was mailed by certified mail on August 16, 2005. No answer was filed in response to the complaint or the amended complaint. On December 6, 2005, the Commission held a hearing on this complaint. Respondent was mailed a copy of the Commission's order setting the matter for hearing entered on October 18, 2005. No appearance was entered by Respondent at the hearing.

Upon consideration of the complaint filed in this case the Commission finds Respondent has failed to resolve the delinquency with the NUSF Department. Respondent has violated Section 3.02 of the Nebraska Universal Service Fund Rules provided in Neb. Admin. Code Title 291, Chapter 10. In

consideration thereof, the Commission is of the opinion and finds that complaint filed herein should be sustained and, that Respondent should be assessed a penalty in the amount of Six Hundred and Fifty dollars (\$650.00) and a late-handling fee in the amount of Three Hundred Dollars(\$300.00).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaint, as amended, filed against Respondent, Norstan Network Services, Inc. shall be and it is hereby sustained.

IT IS FURTHER ORDERED that Respondent pay an administrative fine in the amount of Six Hundred and Fifty dollars (\$650.00) for the violations found herein.

IT IS FURTHER ORDERED that Respondent pay a late handling fee in the amount of Three Hundred dollars (\$300.00).

IT IS FURTHER ORDERED that Respondent remit to the Nebraska Public Service Commission all adjudged penalties and fees within thirty (30) days from the date of this Order.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of January, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director