

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint) Application No. NUSF-37.71
of Jeffrey L. Pursley, Director)
of the Nebraska Universal)
Service Department of the)
Nebraska Public Service)
Commission,)
) ORDER SUSTAINING COMPLAINT
)
)
vs.)
)
CIMCO Communications, Inc.,)
)
)
Respondent(s).) Entered: August 15, 2006

BY THE COMMISSION:

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

On August 23, 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 CIMCO Communications Inc. (hereinafter "Respondent") alleging that Respondent failed to file the required remittance worksheets or remittance payments to the NUSF Department by the 15th day following the end of the remittance period.

A hearing was held in the Commission Hearing Room on July 11, 2006. No appearance was entered on behalf of Respondent. A letter dated June 29, 2006 was offered and received into the record without objection by the Commission staff.

The record shows that no answer was filed consistent with the Commission's rules of procedure. Therefore, the allegations listed in the Complaint are construed as true. In addition, the letter submitted by Respondent does not demonstrate the remittance worksheets were filed timely. Rather, it shows that the remittance worksheet for that period was indeed filed late contrary to the Commission's rules. Based on the record and taking into consideration the gravity and severity of the violation along with the lack of good faith demonstrated by the Respondent in failing to appear before the Commission, the Commission finds the Complaint filed should be sustained and a penalty should be assessed against Respondent in the amount of Five Hundred and Fifty Dollars (\$550.00). A late-handling fee is also assessed against Respondent in the amount of One Hundred Dollars (\$100.00).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint be and it is hereby sustained.

IT IS FURTHER ORDERED that Respondent be assessed an administrative penalty in the amount of Five Hundred and Fifty Dollars (\$550.00).

IT IS FURTHER ORDERED that Respondent pay the administrative late handling fees assessed in the amount of One Hundred Dollars (\$100.00).

IT IS FINALLY ORDERED that all administrative penalties and late-handling fees be paid by Respondent on or before September 15, 2006.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of August 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director