

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of) Application No.911-020.01
the Nebraska Telecommunications)
Infrastructure and Public Safety)
Department of the Nebraska)
Public Service Commission,)
Complainant,) ORDER TO DISMISS IN PART
v.)
Level 3 Communications, LLC;)
Vartec Telecom, Inc.; NebCon)
Partnership; Budget Phone, Inc.;)
CAT Communications Inter-)
national; Granite Telecommuni-)
cations, LLC; Comtel Telecom)
Assets, LP;)
Respondents) Filed: August 7, 2007

BY THE COMMISSION:

On July 3, 2007, Jeff Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (Complainant), filed a complaint in this docket alleging a violation of Neb. Rev. Stat. § 86-437. Complainant alleged Respondents failed to timely file with the Commission annual reporting information as required by § 86-437(2) by April 30, 2007. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

However, subsequent to filing the complaint, it has been determined the Respondent NebCon Partnership (NebCon) was not in violation of the requirement in that the Respondent was not a "service supplier" as defined by law.

Therefore, the Complainant and NebCon have signed a stipulation agreeing that NebCon should be dismissed from the complaint. The Commission finds that the signed stipulation is reasonable and therefore NebCon should be dismissed from the complaint.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that NebCon Partnership be, and hereby is, dismissed from the complaint.

MADE AND ENTERED at Lincoln, Nebraska this 7th day of August, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Vay

Chairman

Rod Johnson

Frank C. Boyle

ATTEST:

Jim Schram

John Sullivan

Deputy Director

//s// Rod Johnson

//s// Frank E. Landis