

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,)
v.)
Level 3 Communications, LLC;) COMPLAINT DISMISSED IN PART
Vartec Telecom, Inc.; NebCon) AND SUSTAINED IN PART
Partnership; Budget Phone, Inc.;)
CAT Communications Inter-)
national; Granite Telecommuni-)
cations, LLC; Comtel Telecom)
Assets, LP;)
Respondents(s)) Entered: November 6, 2007

BY THE COMMISSION:

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

By Petition filed on July 3, 2007, the Nebraska Telecommunications Infrastructure and Public Safety Department (Department) of the Nebraska Public Service Commission (Commission) filed a complaint seeking fines against those carriers who failed to file landline 911 reports pursuant to Neb. Rev. Stat. §86-437 (2004 Cum. Supp.). All carriers who had not timely filed landline 911 reports with the Commission were named as Respondents.

The Complaint was served on each Respondent via certified mail. Prior to the hearing on the Complaint, several Respondents signed stipulations, paid administrative fines, and were dismissed from the docket. However, Vartec Telecom, Budget Phone, Inc., CAT Communications International, and Granite Telecommunications, LLC had not yet been dismissed.

A hearing was held on October 17, 2007, in the Commission Hearing Room, Lincoln, Nebraska, for the remaining Respondents. None of the Respondents appeared at the hearing to show cause as to why the Commission should not impose administrative fines.

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Based upon the evidence presented by Commission staff, the Commission finds as follows.

Vartec Telecom is simply a d/b/a of Comtel who had already filed the required report, paid an administrative fine, and been dismissed from the docket. Therefore, Vartec Telecom should be dismissed.

Subsequent to the hearing, Budget Phone, Inc. and Granite Telecommunications, LLC (Granite) each signed a stipulation and agreed to pay an administrative fine. Budget Phone, Inc. has already paid its administrative fine. The Commission finds that the stipulations should be approved and Budget Phone, Inc. and Granite should be dismissed from the complaint.

The remaining Respondent, CAT Communications International (CAT) is a telecommunication company generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et seq. (2004 Cum. Supp.) and §§ 86-101 et seq. (2004 Cum. Supp.). Respondent is also governed by Title 291 NAC Ch. 5 of the Commission's Rules and Regulations.

As part of its regulatory authority and pursuant to § 86-437, the Commission, through its Telecommunications Infrastructure and Public Safety Department, requires telecommunications companies to file a landline 911 report with the Commission in a form prescribed by the Commission on or before April 30th of each year.

The Respondent failed to comply with the mandates of Neb. Rev. Stat. § 86-437. Therefore, this Commission, pursuant to its statutory authority, may administratively impose fines on all such companies after notice and public hearing.

All Respondents who contacted the Commission were given the option of negotiating a settlement by submitting the required report and signing a stipulation with the Department, wherein each Respondent admitted to filing their annual report late and agreed to pay an administrative fine to dismiss the departmental complaint against them.

To date, CAT has not filed any of the required information; however, its authority has been revoked by the Communications Department for failure to file information required by the department. The Commission finds that CAT should be assessed an administrative fine in the amount of \$3,550.00 and an additional \$100.00 in costs.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Vartec Telecom, Granite Telecommunications, LLC, and Budget Phone, Inc. be, and are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDER that the complaint be sustained in part and fines be levied against CAT Communications International in the amount of \$3,550.00 and an additional \$100.00 in costs.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of November, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Vap

Anne C. Boyle

Tim Schwan

//s// Rod Johnson

//s// Frank E. Landis

Chairman

Rod Johnson

ATTEST:

Michael L. Hall

Executive Director