

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of) Application No.911-020.02
the Nebraska Telecommunications)
Infrastructure and Public Safety)
Department of the Nebraska)
Public Service Commission,)

Complainant,)

v.)

1-800-Reconex; Applied)
Communications Technology Inc.;)
Arapahoe Telephone Company d/b/a)
ATC Communications; Cable USA,)
LLC; Charter Fiberlink- Nebraska)
L.L.C. a/k/a Charter)
Communications VI, LLC;)
Citistream Communications, Inc.;)
Community Internet Systems,)
Inc.; Cozad Telephone Company;)
Dalton Telephone Company; Elsie)
Communications, Inc.; Global)
Connection Inc. of America;)
Granite Telecommunications,)
L.L.C.; MCImetro Access)
Transmission Services, L.L.C.;)
Northstar Telecom, Inc.; Three)
River Telco; Three River)
Communications, L.L.C.; Time)
Warner Cable Information)
Services (Nebraska), L.L.C.; VCI)
Company d/b/a Vilaire)
Communications, Inc.;)

ORDER TO DISMISS, IN PART

Respondents.) Filed: August 26, 2008

BY THE COMMISSION:

On June 10, 2008, Jeffrey L. 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, 2008. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

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The Respondent listed below has signed a stipulation with the Complainant wherein Respondent has agreed to pay an administrative fine and costs to dismiss the departmental complaint:

Time Warner Cable Information Services (Nebraska), L.L.C.

The Respondent has submitted the required report in compliance with Commission requirements. The fine amount was reduced for the Respondent due to the period of time between the filing of the complaint and the mailing of the complaint to the Respondent as well as their past history of compliance. The Commission finds that the signed stipulation and reduced payment is satisfactory and therefore the above-listed Respondent should be dismissed from the complaint.

The company listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2009 regarding the filing of the 2008 report. If reports are not postmarked on or before April 30, 2009, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and be subject to the maximum penalty allowed.

As the company listed in the preceding paragraph is the final respondent in the docket, the Commission further finds that the hearing on this matter currently scheduled for September 23, 2008, should be cancelled and the docket closed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Time Warner Cable Information Services (Nebraska), L.L.C. be, and hereby is, dismissed from the complaint.

IT IS FURTHER ORDERED that hearing on this matter currently scheduled for September 23, 2008, should be cancelled and the docket closed.

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MADE AND ENTERED at Lincoln, Nebraska this 26th day of August, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis

Red Johnson

Tim Schrom

//s// Anne C. Boyle
//s// Frank E. Landis

Anne C. Boyle
Chair

ATTEST:
Michael P. Holt
Executive Director