

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the) Application No.911-020.04/
Nebraska Telephone) DC-78
Infrastructure and Public Safety)
Department of the Nebraska)
Public Service Commission,)
)
Complainant,)
)
v.)
)
A C N Communications Services)
Inc.; Aventure Communication)
Technology LLC; Big River) ORDER TO DISMISS, IN PART
Telephone Company LLC; BLC)
Management LLC; BT)
Communications; DSLnet)
Communications LLC; Entelegent)
Solutions Inc.; Geneva Broadband)
LLC; Intrado Communications)
Inc.; Kentucky Data Link Inc.;)
Net Talkcom Inc.; Northstar)
Telecom Inc.; XO Communications)
Services Inc.,)
)
Respondent(s).) Entered: June 29, 2010

BY THE COMMISSION:

On May 25, 2010, Sue Vanicek, Director of the Nebraska Telephone 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, 2010. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

Subsequent to filing the complaint, it was determined that Respondents listed below do not currently do business in Nebraska or are otherwise not obligated to provide the report:

Big River Telephone Company LLC
Entelegent Solutions Inc.
Geneva Broadband LLC
XO Communications Services Inc.

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Respondents have provided statements that they are not currently providing service in Nebraska or are otherwise not obligated to provide the report. Therefore, the Commission finds that the above-listed Respondents should be dismissed from the complaint.

Additionally, the below-named Respondent has signed a stipulation with the Complainant wherein Respondent has agreed to pay an administrative fine and costs to dismiss the departmental complaint:

Northstar Telecom, Inc.

Respondent has submitted the required report in compliance with Commission requirements. The Commission finds that the signed stipulation and payment are 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 2011 regarding the filing of the 2010 report. If reports are not postmarked on or before April 30, 2011, 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.




O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Big River Telephone Company LLC, Entelegent Solutions Inc., Geneva Broadband LLC, XO Communications Services Inc., and Northstar Telecom Inc., be, and hereby are, dismissed from the complaint.

MADE AND ENTERED at Lincoln, Nebraska this 29th day of June, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman



ATTEST:



Executive Director

//s// Frank E. Landis
//s// Gerald L. Vap