

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the)	Application No.911-020.04
Nebraska Telephone)	
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)	COMPLAINT
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).)	Filed: May 25, 2010

COMES NOW, Ms. Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department (NTIPS) of the Nebraska Public Service Commission (Commission) (hereinafter "Complainant") for Complaint against the following parties:

A C N Communications Services Inc.
Aventure Communication Technology LLC
Big River 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.

(hereinafter "Respondents") and alleges the following:

1. The Complainant is the Director of the Nebraska Telephone Infrastructure and Public Safety Department (NTIPS) of the Nebraska Public Service Commission (Commission).
2. The Respondents are service suppliers as defined by Neb. Rev. Stat. § 86-432 (Cum. Supp. 2008).
3. Jurisdiction is proper pursuant to Neb. Rev. Stat. § 86-437 (Cum. Supp. 2008).
4. Pursuant to Neb. Rev. Stat. § 86-437(2), "On or before April 30 of each year, each service supplier shall report for the preceding calendar year to the Public Service Commission for each of its exchanges (a) whether 911 service or E-911 service is provided in that exchange, (b) the level of the service surcharge, (c) the location of the public safety answering point, (d) whether the governing body belongs to an inter-local agreement or other agreement with another governing body and, if so, the name of the other governing body, and (e) the amount of revenue collected by the service surcharge."
5. All Respondents were notified of the filing requirement via U.S. mail sent on January 29, 2010.
6. The Complainant alleges that Respondents named herein have violated § 86-437(2) by failing to timely file the required information for 2009 by April 30, 2010.
7. The Complainant further alleges that due to the Respondents' failure, Respondents are subject to administrative fines and administrative fees pursuant to § 75-156 and § 86-437(5).

WHEREFORE the Complainant therefore respectfully prays that the Nebraska Public Service Commission:

- a) serve the Respondents with a copy of this Complaint;

- b) enter an order scheduling a hearing;
- c) after hearing, find the Respondents named herein guilty of the alleged violation(s);
- d) after hearing, order the Respondents to provide the required information;
- e) after hearing, levy administrative penalties and administrative fees against the Respondents for each violation pursuant to §§ 75-156 and 86-437(5);
- f) and, after hearing, enter an order for any and all other relief as deemed appropriate by the Commission and as authorized by law.

Respectfully Submitted,

Sue Vanicek, Director
Nebraska Telephone Infrastructure
and Public Safety Department
Nebraska Public Service Commission
300 The Atrium Building
1200 N Street
P.O. Box 94927
Lincoln, Nebraska 68509

State of Nebraska)
) ss
County of Lancaster)

VERIFICATION

Sue Vanicek, being first duly sworn on oath, deposes and says that she is the duly-appointed Director of the Nebraska Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission; that she is the Complainant in the foregoing pleading; that she has read the allegations contained therein; and understands them to be true to the best of her knowledge and belief.

Sue Vanicek

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2010.

Notary Public

(SEAL)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Complaint was sent by Certified United States Mail postage prepaid on _____, 2010, to the following:

A C N Communication Services Inc.
1000 Progress Plc, Concord, NC 28025
Aventure Communication Technology LLC
401 Douglas St, Ste 406, Sioux City, IA 51101
Big River Telephone Company LLC
24 S Minnesota Ave, Cape Girardeau, MO 63703
BLC Management LLC
11121 Hwy 70, Ste 202, Arlington, TN 38002
BT Communications
11440 Commerce Park, Reston, VA 20191
DSLnet Communications LLC
50 Barnes Park North, Ste 104, Wallingford, CT 06492
Entelegent Solutions Inc.
3800 Arco Corporate Dr, Ste 310, Charlotte, NC 28273
Geneva Broadband LLC
1036 N 11th St, Geneva, NE 68361
Intrado Communications, Inc.
1601 Dry Creek Dr, Longmont, CO 80503
Kentucky Data Link, Inc.
8829 Bond St, Overland Park, KS 66214

Net Talkcom, Inc.

1100 NW 163rd Dr, Ste 3, North Miami Beach, FL 33169

Northstar Telecom, Inc.

445 Hamilton Ave, Ste 408, White Plains, NY 10601

XO Communications Services, Inc.

13865 Sunrise Valley Dr, Herndon, VA 20171

Angela D. Melton #21755

N O T I C E

1. Pursuant to Neb. Admin. Code, Title 291, Ch. 1, § 005.09, the Respondents are hereby notified that an answer to this complaint shall be filed and shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses that the Respondent may assert. The answer shall be filed with the Commission within twenty (20) days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint. Failure to file an answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty as provided by law; or (b) to proceed with the hearing and receive evidence of the alleged violation and to assess a civil penalty as provided by law.

2. Pursuant to Neb. Rev. Stat. § 75-156, the Commission may impose administrative penalties and administrative fees not to exceed ten thousand dollars (\$10,000.00) for each violation per day up to two million dollars (\$2,000,000) per violation per year.