

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the ) Application No.911-020.05/  
Nebraska Telephone ) DC-78  
Infrastructure and Public Safety )  
Department of the Nebraska )  
Public Service Commission, )  
)  
Complainant, )  
v. )  
)  
Broadview Networks, Inc.; Cozad )  
Telephone Company; Dark Fiber )  
Solutions, Inc.; Ernest )  
Communications, Inc.; Lightyear ) ORDER TO DISMISS, IN PART  
Network Solutions LLC; McLeod )  
USA Telecommunications )  
Services/Paetec Business )  
Services; Northstar Telecom, )  
Inc.; NOS Communications, Inc.; )  
Reliance Communications, Inc.; )  
Sprint Communications LP; TCG )  
Omaha; and Wholesale Carrier )  
Services, Inc., )  
)  
Respondent(s). ) Entered: June 21, 2011

BY THE COMMISSION:

On May 17, 2011, 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, 2011. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

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

**Cozad Telephone Company**  
**Dark Fiber Solutions, Inc.**  
**McLeod USA Telecommunications Services/Paetec Business Services**

Respondents have submitted the required report in compliance with Commission requirements. The Commission finds that the signed

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stipulations and payment are satisfactory and therefore the above-listed Respondents should be dismissed from the complaint.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2012 regarding the filing of the 2011 report. If reports are not postmarked on or before April 30, 2012, 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.

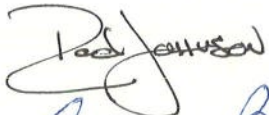
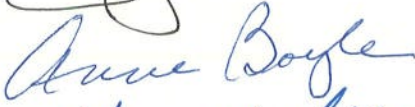

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Cozad Telephone Company, Dark Fiber Solutions, Inc., and McLeod USA Telecommunications Services/Paetec Business Services, be, and are hereby, dismissed from the complaint.

MADE AND ENTERED at Lincoln, Nebraska this 21<sup>st</sup> day of June, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s//Frank E. Landis

//s//Tim Schram

  
Chairman

ATTEST:

  
Executive Director