

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the) Application No. 911-020.06/
Nebraska Telephone) DC-82
Infrastructure and Public Safety)
Department of the Nebraska)
Public Service Commission,)
)
Complainant,)
v.)
)
Cable USA III, LLC;)
Centurytel Fiber Company, LLC;)
Covista, Inc.; Crexendo Business)
Solutions, Inc.; DIECA)
Communications, Inc.; DSLNet)
Communications, LLC; Geneva)
Broadband, LLC; Ionex) ORDER DISMISSING COMPLAINT
Communications North, Inc.;) AND CANCELLING HEARING
Kentucky Data Link, Inc.;)
LH Telecom; Long Lines)
Siouxland, LLC; Midwestern)
Telecommunications, Inc.;)
NetTalk.Com, Inc.; Neutral)
Tandem-Nebraska, LLC; New Edge)
Network, Inc.; NOS)
Communications, Inc.;)
Reliant Communications, Inc.;)
inContact, Inc.; Velocity the)
Greatest Phone Company Ever,)
Inc.; Wholesale Carrier)
Services, Inc.; XO)
Communications, LLC)
)
Respondent(s).) Entered: August 28, 2012

BY THE COMMISSION:

On or about May 24, 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, 2012. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

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As part of its regulatory authority and pursuant to § 86-537, 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 pursuant to Neb. Rev. Stat. § 86-437. Failure to comply may result in administrative fines.

All carriers were notified via certified mail of their obligation to file a landline 911 report on or before April 30, 2012. However, due to a typographical error, Ionex Communications North, Inc. (Ionex) did not receive the notice. Although the Commission is not obligated to provide notice of the filing requirement, the Department has a long established practice of doing so. Further, Ionex filed the required report promptly once receiving notice of the complaint.

The Commission finds that under the unique circumstances, that the complaint against Ionex should be dismissed. Additionally, the hearing with respect to Ionex previously continued to September 18, 2012, should be cancelled.

The Commission's decision is limited to the unique facts of this case and in no way creates an obligation on the Department to provide additional notice to carriers of statutorily imposed filing requirements. Carriers continue to be responsible for notifying the Commission of changes in addresses and personnel to ensure that all communication from the Commission is received.

Finally, as Ionex is the last respondent named in this complaint, the Commission further finds that this matter is closed and no further action is necessary.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaint against Ionex Communications North, Inc. should be dismissed.

IT IS FURTHER ORDERED that the hearing previously scheduled for September 18, 2012 should be cancelled and no further action should be taken regarding the complaint.

IT IS FINALLY ORDERED that the above-captioned matter is closed and no further action is necessary.

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MADE AND ENTERED at Lincoln, Nebraska this 28th day of August, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schran
Anne Boyle
Yvonne Step

Chairman

Rod Johnson

ATTEST:

Michelle L. 1/2

Executive Director

//s// Rod Johnson