

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the ) Application No. 911-  
Nebraska Telephone ) 020.07/DC-84  
Infrastructure and Public Safety )  
Department of the Nebraska )  
Public Service Commission, )  
 )  
Complainant, )  
v. )  
 )  
365 Wireless, LLC; Broadvox- ) COMPLAINT SUSTAINED, IN  
CLEC, LLC; Covista, Inc.; Cozad ) PART  
Telephone Company; Ionex )  
Communications North, Inc.; )  
Teleport Communications of )  
America, LLC; XO Communications )  
Services, LLC, )  
 )  
Respondent(s). ) Entered: August 6, 2013

BY THE COMMISSION:

O P I N I O N   A N D   F I N D I N G S

On May 15, 2013, Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department (Complainant), filed a complaint against the above-captioned Respondents in this docket alleging a violation of Neb. Rev. Stat. § 86-437. Complainant alleged Respondents failed to timely file with the Commission by April 30, 2013 annual reporting information as required by § 86-437(2). Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

The Complaint was served on each Respondent via certified mail. Prior to the hearing on the Complaint, several Respondents signed stipulations, paid administrative fines, and were dismissed from the docket. However, Covista, Inc. (Covista) had not yet been dismissed.

A hearing was held on July 30, 2013, in the Commission Hearing Room, Lincoln, Nebraska, for the remaining Respondent. Angela Melton appeared on behalf of Commission staff. No one appeared on behalf of Covista to show cause as to why the Commission should not impose administrative fines. Further no answer to the complaint was filed on behalf of Covista.

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Based upon the complaint and evidence presented by Commission staff, the Commission finds as follows.

The remaining Respondent, Covista is a telecommunication company generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et seq. (2008 Cum. Supp.) and §§ 86-101 et seq. (2008 Cum. Supp.).

As part of its regulatory authority and pursuant to § 86-437, 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 30<sup>th</sup> of each year.

The Respondent failed to comply with the mandates of Neb. Rev. Stat. § 86-437. Therefore, this Commission, pursuant to its statutory authority, may administratively impose fines on all such companies after notice and public hearing.

All Respondents who contacted the Commission were given the option of negotiating a settlement by submitting the required report and signing a stipulation with the Department, wherein each Respondent admitted to filing their annual report late and agreed to pay an administrative fine to dismiss the departmental complaint against them.

To date, Covista has not filed any of the required information. The Commission finds that Covista should be assessed an administrative fine in the amount of \$3,300.00 and an additional \$100.00 in costs.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaint be sustained in part and fines be levied against Covista, Inc. in the amount of \$3,300.00 and an additional \$100.00 in costs.

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MADE AND ENTERED at Lincoln, Nebraska, this 6<sup>th</sup> day of August, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Tim Schram*

*Frank E. Landis*

*Gerald H. Wynn*

//s// Anne C. Boyle

//s// Frank E. Landis

*Anne Boyle*  
Chair

ATTEST:

*Lynda Meredith*  
Executive Director