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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application )	Departmental Complaint
of the Nebraska Public Service )	No. 007
Commission Communications De- )	Docket C-1078
partment seeking an order to )	
cease and desist operations and )	
to revoke the certificate of )	
public convenience and necessity )	PETITION TO REVOKE
issued to the following )	OPERATING AUTHORITIES
Defendants: )	AND
)	CEASE AND DESIST
)	OPERATIONS IN NEBRASKA
Amer-I-Net Services, CLM )	
Associates, Convergent Comm., )	
LDDS Metromedia Comm., National )	
Telephone & Comm., Payline )	
Systems, Inc., Silverado Comm. )	
Corp., Telegroup Inc., )	
Tel-Save, Inc., UniDial, Inc., )	
West Coast Telecomm, Inc. )	
DEFENDANTS.	

BY THE COMMISSION:

OPINION AND FINDINGS

The petition in the caption above was filed by the Communications Department (the "Department") of the Nebraska Public Service Commission (the "Commission") by and through its Director, M. Gene Hand, and petitions the Commission to revoke the intrastate operating authority of the following telecommunications companies (the "Defendants"):

Amer-I-Net Services Corp. (C-878, April 16, 1991);  
 CLM Associates (C-905, December 3, 1991);  
 Convergent Comm., Inc. (C-863, January 15, 1991);  
 LDDS Metromedia Comm. (C-1044, February 8, 1994);  
 National Telephone & Comm. (C-902, March 31, 1992);  
 Payline Systems, Inc. (C-792, May 30, 1990);  
 Silverado Comm. Corp. (C-889, July 16, 1991);  
 Telegroup, Inc. (C-981, June 30, 1993);  
 Tel-Save, Inc. (C-930, September 1, 1992);  
 UniDial, Inc. (C-1022, December 13, 1993); and  
 West Coast Telecomm., Inc. (C-973, June 16, 1993).

In its original order in Application No. C-878, the Commission granted Amer-I-Net Services Corp. ("Amer-I-Net") authority to operate as a resale carrier of intrastate interLATA interexchange telecommunications services in

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Nebraska. As such, Amer-I-Net is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-905, the Commission granted CLM Associates ("CLM") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, CLM is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-863, the Commission granted Convergent Communications, Inc. ("Convergent") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, Convergent is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-1044, the Commission granted LDDS Metromedia Communications ("LDDS") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, LDDS is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-902, the Commission granted National Telephone and Communications ("National") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, National is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-792, the Commission granted Payline Systems, Inc. ("Payline") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, Payline is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-889, the Commission granted Silverado Communications Corp. ("Silverado") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, Silverado is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-981, the Commission granted Telegroup, Inc. ("Telegroup") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, Telegroup is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-930, the Commission granted Tel-Save, Inc. ("Tel-Save") authority to provide interLATA interexchange telecommunications services in

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Nebraska. As such, Tel-Save is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-1022, the Commission granted UniDial, Inc. ("UniDial") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, UniDial is a "telecommunications company" for purposes of regulation in Nebraska.

In its original order in Application No. C-973, the Commission granted West Coast Telecommunications, Inc. ("West Coast") authority to provide interLATA interexchange telecommunications services in Nebraska. As such, West Coast is a "telecommunications company" for purposes of regulation in Nebraska.

The Defendants are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stats. § 75-101 et seq. (1990 Reissue) and §86-801 to 86-811 (Reissue 1987 and Cum. Supp. 1992.). These companies are also governed by Title 291 NAC Ch. 5 of the Commission's telecommunications rules.

As part of regulatory authority and pursuant to §86-807, the Commission, through its Communications Department, requires telecommunications companies, which file an annual report with a federal regulatory agency, to file a copy of same with the Commission on or before the date on which said report is filed with the federal agency. Every such company not required to file such a report with a federal agency shall file an annual report with the Commission in a form prescribed on or before April 30 of each year.

In the case of each of the Defendants, no such annual reports were filed for 1993, as of April 30, 1994, nor has one been filed since that date to the date of this petition. Each company was notified by the Staff two times, by first class mail January 10 and May 9, 1994 that the annual report was due. None of the companies responded with a report or even acknowledged the Staff's letters.

The Defendants are regulated telecommunications companies operating in Nebraska, and as such are subject to the Commission's jurisdiction and the statutes and rules established by the Legislature and the Commission to regulate them in the public interest. One of the regulatory requirements is that companies with the status of the Defendants file an annual report on or before April 30 of each year.



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Based on the failure of the Defendants to file the required annual report and each company's ignorance of the requests to do so by the Staff, each Defendant's certificate of authority should be revoked and each company ordered to cease and desist operations in Nebraska.

We take this opportunity to note that Payline Systems, Inc. and Silverado Communications also failed to timely file their annual reports in 1992. A similar petition was filed against these companies in 1993. Both companies were ultimately dismissed from the docket, as the subject of the petition was satisfied. The Commission will not tolerate this behavior, and strongly admonishes these companies for their continual failure to comply with its established rules and regulations.

WHEREFORE, the Department petitions this Commission to set this matter for hearing after Defendants have answered this departmental complaint and then revoke each certificate of authority previously issued to:

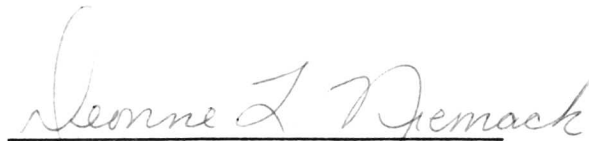
Amer-I-Net Services Corp. (C-878, April 16, 1991);  
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Telegroup, Inc. (C-981, June 30, 1993);  
Tel-Save, Inc. (C-930, September 1, 1992);  
UniDial, Inc. (C-1022, December 13, 1993); and  
West Coast Telecomm., Inc. (C-973, June 16, 1993)

and further to order each company to cease and desist operating in Nebraska without a lawful grant of authority.

  
M. Gene Hand, Director  
Nebraska Public Service Commission  
Communications Department  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the \_\_\_\_ day of \_\_\_\_\_, 1994, the foregoing departmental complaint was served on the following companies and their last known representatives by mailing the complaint to each by United States certified mail, postage prepaid.

Amer-I-Net Services, Corp.  
Mark W. Kelley  
300 Corporate Center Drive  
Manalapan, NJ 07726

CLM Associates  
Dave Hinshaw  
Room 4520  
Growth 1801 California  
Denver, CO 80202

Convergent Communications, Inc.  
Cameron Chapman  
8717 W. 110th St., Suite 460  
Overland Park, KS 66210

LDDS Metromedia Communications  
Karen Torres  
13120 Ash Court  
Thornton, CO 80241

National Telephone & Communications  
Ed Jacobs  
2801 N. Maine  
Irvin, CA 92714

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Payline Systems, Inc.  
Phil V. Barcellona  
921 S.W. Washington, Suite 250  
Portland, OR 97205


Silverado Communications Corp.  
c/o Peoples Telephone Company  
Steve Alexander  
8041 N.W. 14th Street  
Miami, FL 33126

Telegroup, Inc.  
Fred Gratzon  
505 N. 3rd Street  
Fairfield, IA 52556

Tel-Save, Inc.  
Daniel M. Borislow  
22 Village Square  
Logan Square, Suite 22-23  
New Hope, PA 18938

UniDial, Inc.  
Ed Wampler  
P.O. Box 43958  
Louisville, KY 40253

West Coast Telecommunications, Inc.  
Richard Frockt  
135 East Ortega St.  
Santa Barbara, CA 93101



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