

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Cullen Robbins, Director of the) Application No. TRS-21
Communications Department of the)
Nebraska Public Service)
Commission,)
)
 Complainant,)
v.) ORDER DISMISSING COMPLAINT
)
Ionex Communications North,)
Inc., d/b/a Birch)
Communications,)
 Respondent(s).) Filed: July 16, 2019

BY THE COMMISSION:

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

On October 2, 2018, the Communications Department of the Nebraska Public Service Commission ("Department"), filed a Complaint against Ionex Communications North, Inc., d/b/a Birch Communications (hereinafter "Respondent"),¹ seeking to fine Respondent on the grounds that it failed to file required remittance worksheets and/or remittance payments by the 30th day following the end of the remittance period pursuant to Neb. Rev. Stat. § 86-312 and 291 Neb. Admin. Code § 5-010.06C. Specifically, the Complaint alleged that Respondent did not timely file its remittance worksheets or payments for the months of May 2018, July 2018, and August 2018.

Since the Complaint in this matter was entered, the Respondent has entered into a stipulated agreement with the Department resolving the allegations contained in the Complaint. Pursuant to this agreement, Respondent has paid a fine to the Department and has agreed to timely file its remittance payments and worksheets henceforth. Also pursuant to the agreement, the Department and Respondent have jointly requested the Commission to enter an order in this docket dismissing the Complaint and releasing Respondent from further compliance obligations regarding the TRS remittance payments and worksheets relating to the remittance periods of May 2018, July 2018, and August 2018.

¹ Respondent subsequently filed an application for a name change, and is now known as Lingo Communications North, LLC. See Commission Applications Nos. C-4978 and C-5021. For purposes of clarity, Respondent will continue to be referred to as "Ionex Communications North, Inc., d/b/a Birch Communications" in this Order.

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Upon review of the facts of this case, the stipulated agreement, and applicable laws and regulations, the Commission finds that the stipulation in this matter is reasonable and in accordance with Commission policy and that the Complaint in this matter should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation between Ionex Communications North, Inc., d/b/a Birch Communications and the Communications Department of the Nebraska Public Service Commission be approved and the above-captioned Complaint be dismissed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 16th day of July, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal Knodes
[Signature]
Don Paterjura
Tim Schram

Mary Keadle
Chair

ATTEST:

Michael B. Hase
Executive Director