

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska	)	Application No. C-5050/DC-94
Public Service Commission	)	
Communications Department, on	)	
its own Motion, regarding the	)	ORDER SUSTAINING COMPLAINT
2018 Annual Report filings.	)	IN PART
	)	
	)	Entered: August 27, 2019

BY THE COMMISSION:

By original complaint, dated May 14, 2019, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) initiated this docket requesting the Commission to administratively fine and/or revoke the operating authority of various defendants for failure to file annual reports pursuant to Neb. Rev. Stat. § 86-159. The Complaint alleged that the named interexchange (IXC) and local exchange (LEC) telecommunications companies failed to timely file their 2018 annual reports. A copy of the Complaint and the Order to Show Cause were mailed to each defendant via certified United States mail.

Following the opening of this docket, the majority of the carriers were dismissed from the complaint in Commission Orders dated June 25, 2019 and August 6, 2019. The following respondents remain in the docket:

**Norstan Network Services, Inc.** ("Norstan")  
**Lattice, Inc.** ("Lattice")

Pursuant to the order opening this docket, a hearing was held in this matter on August 6, 2019. Sallie Dietrich appeared on behalf of the Communications Department. Neither Respondent appeared. Exhibits 1-12 were offered and accepted.

Cullen Robbins testified on behalf of the Department. Mr. Robbins stated that the two carriers listed above remained in the docket, and that they had received several notices regarding their annual report obligations, including the obligation to submit their reports by April 30th of each year, through certified mail and e-mail. Mr. Robbins testified that it is the carriers' responsibility to ensure their contact information listed with the Commission is current.

Mr. Robbins further testified that the Commission holds a fining policy wherein carriers are allowed a 6-day grace period following April 30th to file their reports, after which carriers are fined at

\$10/day for the first thirty days, and \$100/day thereafter. Mr. Robbins testified that carriers who filed their annual reports late in the year preceding the current year are also assessed a \$500 penalty if they file the report late in the current year.

Mr. Robbins testified that Norstan's annual report was received on July 31st, 2019, and that based on the Commission's fining policy, Norstan had accrued \$5,900 in fines. Mr. Robbins recommended that the Commission levy fines in the amount of \$5,900 against Norstan.

Mr. Robbins testified that Lattice had not filed its annual report as of the date of the hearing, had been a late filer in 2018, and that based on the Commission's fining policy, Lattice had accrued \$7,000 in fines. Mr. Robbins further testified that Lattice has not been submitting remittances to the Commission, and that there is no reason to believe they are currently serving any customers in Nebraska. Mr. Robbins recommended that the Commission levy fines in the amount of \$7,000 against Lattice; revoke its Certificate of Public Convenience and Necessity; and enter an order to cease and desist operations.

No further witnesses were called following Mr. Robbins' testimony, and the hearing was closed.

#### F I N D I N G S

The Commission finds that Respondents Norstan Network Services, Inc. and Lattice, Inc. failed to timely file their 2018 annual reports and fines should be levied against these Respondents in amounts consistent with the Commission's annual report fining policy. The Commission further finds that the Communications Department's recommendations are appropriate, in accordance with Commission policy, and should be adopted. Specifically, the Commission finds that Norstan Network Services, Inc. should be fined in the amount of \$5,900, and Lattice, Inc. should be fined in the amount of \$7,000. If these fines are not paid within thirty (30) days of the date of this order, the Commission will proceed with further disciplinary action.

The Commission further finds that Lattice, Inc., having failed to contact the Commission regarding the outstanding complaint despite numerous attempts by the Department to contact this company, and having failed to file its annual report before the date of the hearing, should not be permitted to continue operating in Nebraska. Therefore, the Commission hereby finds that the Certificate of Public Convenience and Necessity held by Lattice, Inc. should be revoked.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that fines shall be levied against **Norstan Network Services, Inc.**, in the amount of \$5,900, payable to the Commission within thirty (30) days of this Order.

IT IS FURTHER ORDERED that fines shall be levied against **Lattice, Inc.**, in the amount of \$7,000, payable to the Commission within thirty (30) days of this Order.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity issued to the Respondent **Lattice, Inc.** be, and is hereby, revoked.

IT IS FURTHER ORDERED that **Lattice, Inc.** shall cease and desist providing any and all telecommunications services in the State of Nebraska within 60 days from the date of this order.

IT IS FINALLY ORDERED that **Lattice, Inc.** shall give at least 30 days' notice of discontinuance of service to any Nebraska customers and reimburse said customers for any and all charges associated with obtaining service from a different carrier.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 27th day of August, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Cystal Guadalupe*  
*Tom Johnson*  
*Don Williams*  
*Jim Schram*

*Mary Rader*  
 Chair

ATTEST:

*Steven Hyslop*  
 Deputy Director

