

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-5122/DC-96
Public Service Commission)
Communications Department, on)
its own motion, regarding the) COMPLAINT DISMISSED, IN PART
2019 Annual Report filings.)
)
) Entered: August 11, 2020

BY THE COMMISSION:

By original complaint dated May 18, 2020, 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 interexchange and local exchange telecommunications companies for failure to file annual reports pursuant to Neb. Rev. Stat. § 86-159. All such companies who had not filed annual reports with the Commission, who had filed incomplete annual reports, or who had not paid fines for filing their annual reports after the April 30th deadline were named as respondents in this docket. A copy of the Complaint and the Order to Show Cause was mailed to each defendant via certified United States mail.

The respondents named in the complaint are interexchange (IXC) and local exchange (LEC) telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101 *et. seq.* and §§ 86-101 *et. seq.* Respondents are also governed by 291 Neb. Admin. Code, Chapter 5, of the Commission's Rules and Regulations. Each of the respondents was required to file a complete annual report and payment with the Commission before April 30th, 2020, but failed to do so despite repeated communications from Commission staff. Certain respondents were dismissed from the Complaint on June 30, 2020; however, respondents Access Point, Inc., American Telecommunication Systems, Inc., Central Telecom Long Distance, Inc., OPEX Communications, Inc, PNG Telecommunications, Inc., and Total Holdings, Inc. still remain in the docket.

The companies listed below have signed a stipulation with the Department wherein each defendant admits to filing its report late and has paid an administrative fine, in accordance with the Commission's Annual Report Fining Policy. The Department has requested that the Commission dismiss from the departmental complaint the following companies:

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. C-5122/DC-96

Page 2

Access Point, Inc.
PNG Telecommunications, Inc.
Southwest Communications, Inc.

The Commission finds that the signed stipulations are satisfactory and therefore the above-listed respondents should be dismissed from the complaint.

Each above-listed respondent to be dismissed from the Complaint pursuant to this Order is hereby advised that this Commission will not tolerate similar behavior in 2020 regarding the filing of the company's 2019 annual report. If reports are not received by the Commission on or before April 30, 2019, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and will be subject to additional penalties and/or administrative sanctions.





O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Access Point, Inc., PNG Telecommunications, Inc., and Southwest Communications, Inc. be, and hereby are, dismissed from the departmental complaint in Application No. C-5122/DC-96.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 11th day of August, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Executive Director