

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. NUSF-32.17
on its own motion, seeking to)
conduct an inquiry into the)
failure by certain telecommunica-) ORDER INITIATING SHOW CAUSE
tions companies to comply with) AND SETTING HEARING
Commission Rules or Orders and to)
impose administrative fines.)
) Entered: August 11, 2020

BY THE COMMISSION:

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

As part of its regulatory authority pursuant to the Nebraska Telecommunications Universal Service Fund Act¹ (the NUSF Act) the Commission has adopted requirements to verify the accuracy of Nebraska Universal Service Fund remittances. Pursuant to *Neb. Rev. Stat. § 86-324(2)(d)*, the Commission

[S]hall require, as reasonably necessary, an annual audit of any telecommunications company to be performed by a third-party certified public accountant to insure the billing, collection, and remittance of a surcharge for universal service. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited.

Consistent with this statutory requirement, on April 10, 2007, the Commission entered an Order in Docket No. NUSF-33, adopting remittance audit requirements for all telecommunications carriers contributing to the Nebraska Universal Service Fund (NUSF).² As required by that Order, remittance audits are to be performed by an independent third party, with audit results for a randomly selected audit period. In addition, consistent with that Order, the remittance audit was due on or before December 31st in the year the Commission notified the company of the audit requirement.

¹ See *Neb. Rev. Stat. § 86-315 et seq.* (2008).

² See NUSF- 33, *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund*, Order (April 10, 2007).

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According to the Commission's records, the following carriers have failed to timely file their audit report:

NE000260 OPEX Communications, Inc.
NE000736 First Communications, LLC
NE000752 Long Lines Siouxland, LLC
NE001139 Ooma, Inc.

In addition, the following carrier has been asked to submit a revised report and has failed to respond to the Commission's request:

NE000729 Stratus Networks, Inc.

Accordingly, the Commission finds it appropriate to initiate a Show Cause proceeding requiring these above-listed carriers to appear before the Commission on **October 6, 2020** at 11:00 a.m. central time at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska, and Show Cause why they failed to timely comply with the Commission's audit filing requirement and why the Commission should not impose administrative penalties against it pursuant to *Neb. Rev. Stat. § 75-156* (Cum. Supp. 2012) for failing to timely comply with the Commission rules and orders described herein. Due to the ongoing pandemic, carriers may alternatively appear via videoconference on October 6, 2020 at 11:00 a.m. central time. The link to the videoconference is as follows <http://tiny.cc/PSCWebex>. The telephone bridge for the audio connection is: 415-655-0003 Access Code 926 343 190.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-named carriers be and they are hereby, Ordered to Show Cause why the Commission should not assess upon said carriers administrative penalties for failure to timely file their remittance audits.

IT IS FURTHER ORDERED that said carriers appear before the Commission on **October 6, 2020** at 11:00 a.m. central time, in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska, or via videoconference using the link above, for a hearing on this Show Cause Order.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Executive Director