

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Public) Application No. C-5122/DC-96
Service Commission Communications)
Department, on its own motion,)
regarding the 2019 Annual Report) ORDER SUSTAINING COMPLAINT
filings.) IN PART
)
) Entered: September 1, 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 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 2019 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 30, 2020 and August 11, 2020. The following respondents remain in the docket:

American Telecommunications Systems, Inc. ("American")
Central Telecom Long Distance, Inc. ("Central Telecom")
OPEX Communications, Inc. ("OPEX")
Total Holdings, Inc. (Total Holdings")

Pursuant to the order opening this docket, a hearing was held in this matter on August 11, 2020. Sallie Dietrich appeared on behalf of the Communications Department. None of the Respondents appeared. Exhibits 1-10 were offered and accepted.

Cullen Robbins, Director of the Communications Department, testified on behalf of the Department. Mr. Robbins stated that the four 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 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

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\$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 each of the four remaining carriers in the docket had failed to file their annual report, and that based on the fining policy for late-filed annual reports, each carrier would be fined in the amount of \$7,100 under the policy. Mr. Robbins testified that each of the carriers had been sent multiple correspondences via email and certified mail. Mr. Robbins further testified that none of the carriers have been submitting remittances to the Commission, and that there is no reason to believe they are currently serving any customers in Nebraska. 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 American Telecommunications Systems, Inc., Central Telecom Long Distance, Inc., OPEX Communications, Inc., and Total Holdings, Inc. failed to timely file their 2019 annual reports. 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 a fine of \$7,100 should be levied against each of these Respondents. 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 each of the above-named Respondents, 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 their annual report before the date of the hearing, should not be permitted to continue operating in Nebraska. Therefore, the Commission hereby finds that the Certificates of Public Convenience and Necessity held by American Telecommunications Systems, Inc., Central Telecom Long Distance, Inc., OPEX Communications, Inc., and Total Holdings, Inc. should be revoked.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that fines shall be levied against American Telecommunications Systems, Inc., in the amount of \$7,100, payable to the Commission within thirty (30) days of this Order.

IT IS FURTHER ORDERED that fines shall be levied against Central Telecom Long Distance, Inc., in the amount of \$7,100, payable to the Commission within thirty (30) days of this Order.

IT IS FURTHER ORDERED that fines shall be levied against OPEX Communications, Inc., in the amount of \$7,100, payable to the Commission within thirty (30) days of this Order.

IT IS FURTHER ORDERED that fines shall be levied against Total Holdings, Inc., in the amount of \$7,100, payable to the Commission within thirty (30) days of this Order.

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to the Respondents American Telecommunications Systems, Inc., Central Telecom Long Distance, Inc., OPEX Communications, Inc., and Total Holdings, Inc. be, and are hereby, revoked.

IT IS FURTHER ORDERED that American Telecommunications Systems, Inc., Central Telecom Long Distance, Inc., OPEX Communications, Inc., and Total Holdings, 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 American Telecommunications Systems, Inc., Central Telecom Long Distance, Inc., OPEX Communications, Inc., and Total Holdings, 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.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 1st day of September, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rock Johnson
Crystal Hender
Tim Schram
Dee Watson

Mary Kadden
Chair

ATTEST:

Michael S. Hyatt
Executive Director