

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska) Application No. C-5236/DC-99
Public Service Commission)
Communications Department, on) ORDER SUSTAINING COMPLAINT,
its own motion, regarding the) IN PART
2020 Annual Report filings.)
) Entered: July 27, 2021

BY THE COMMISSION:

By original complaint dated May 10, 2021, 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 their 2020 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.

Following the opening of this docket, the majority of the carriers were dismissed from the complaint in Commission Orders dated June 8, 2021 and July 13, 2021. One respondent remains in the docket, **Silv Communications, Inc.** ("Silv" or "Respondent").

Pursuant to the order opening this docket, a hearing was held in this matter on July 13, 2021. Sallie Dietrich appeared on behalf of the Communications Department. No appearance was made by the remaining Respondent. Exhibits 1-6 were offered and accepted.

Cullen Robbins, Director of the Communications Department, testified on behalf of the Department. Mr. Robbins stated that the carrier Silv Communications, Inc. was the sole remaining carrier in the docket, and that this carrier had received several notices regarding its annual report obligations, including the obligation to submit its report 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 \$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

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are also assessed a \$500 penalty if they file the report late in the current year.

Mr. Robbins testified that based on the fining policy for late-filed annual reports, the Respondent would be fined in the amount of \$4,200 under the policy. Mr. Robbins testified that the Respondent had been sent multiple correspondences via email and certified mail. Mr. Robbins further testified that the Respondent has not been submitting remittances to the Commission, and that there is no reason to believe it is 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 Respondent Silv Communications, Inc. failed to timely file its 2020 annual report. 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 \$4,200 should be levied against Silv Communications, Inc., to be paid within thirty (30) days of the date of this order. The Commission further finds that Silv Communications, 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 Silv Communications, 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 Silv Communications, Inc., in the amount of \$4,200, 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 Silv Communications, Inc. be, and is hereby, revoked.

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IT IS FURTHER ORDERED that Silv Communications, 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 Silv Communications, 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 July, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rob Johnson
Crystal Broadus
Mary Kadden
Tim Schram

Don Watson

Chair

ATTEST:

Michael S. Hyatt

Executive Director