

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. NUSF-32.19
Public Service Commission, on its	)	
own motion, seeking to conduct an	)	
inquiry into the failure by	)	ORDER INITIATING SHOW CAUSE
inContact, Inc. to comply with	)	AND SETTING HEARING
Commission Rules or Orders and to	)	
impose administrative fines.	)	Entered: July 12, 2022

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 Act<sup>1</sup> (the NUSF Act) the Nebraska Public Service Commission (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).<sup>2</sup> 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 31<sup>st</sup> in

---

<sup>1</sup> See Neb. Rev. Stat. § 86-316 et seq. (2014).

<sup>2</sup> 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).

the year the Commission notified the company of the audit requirement.

According to the Commission's records, NE000615 inContact, Inc., has failed to timely file their audit report.

Accordingly, the Commission finds it appropriate to initiate a Show Cause proceeding requiring the above-listed carrier to appear before the Commission 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.

A Hearing on this matter is scheduled for **August 2, 2022** at **11:00 a.m.** central time in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska. Interested parties may also join via Webex at the following link: <https://psc.nebraska.gov/stream>, or by telephone bridge at 408-418-9388, Access Code 146 273 5624.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearing, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that inContact, Inc., be, and is hereby, Ordered to Show Cause why the Commission should not assess upon said carrier administrative penalties for failure to timely file their remittance audit.

IT IS FURTHER ORDERED that a show cause hearing on this matter shall be held on **August 2, 2022** at **11:00 a.m.** central time, in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska, or via Webex as provided herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 12th day of July, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Crystal Brander*  
*Mary Kadden*  
*Tim Schram*

*Don Watson*

Chair

ATTEST:

*Thomas W. Golden*  
Executive Director