

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application	)	Departmental Complaint
of the Nebraska Public Service	)	No. 007
Commission Communications De-	)	Docket C-1078
partment seeking an order to	)	
cease and desist operations and	)	
to revoke the certificate of	)	
public convenience and necessity	)	ORDER TO REVOKE OPERATING
issued to the following	)	AUTHORITIES AND TO CEASE
Defendants:	)	AND DESIST OPERATIONS IN
	)	NEBRASKA
Amer-I-Net Services, CLM	)	
Associates, Convergent Comm.,	)	
LDDS Metromedia Comm., National	)	ORDER TO DISMISS COMPLAINT
Telephone & Comm., Payline	)	AS SATISFIED
Systems, Inc., Silverado Comm.	)	
Corp., Telegroup Inc., Tel-Save,	)	
Inc., UniDial, Inc., West Coast	)	
Telecommunications, Inc.	)	
DEFENDANTS.	)	Entered: August 16, 1994

BY THE COMMISSION:

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

The petition in the caption above was filed by the Communications Department (the "Department") of the Nebraska Public Service Commission (the "Commission") by and through its Director, M. Gene Hand, June 3, 1994. The Department petitioned the Commission to revoke the intrastate operating authority of the following telecommunications companies (the "Defendants") and that they be ordered to cease and desist from operating in Nebraska:

Ameri-I-Net Services Corp. (C-878, April 16, 1991);  
 CLM Associates (C-905, December 3, 1991);  
 Convergent Comm., Inc. (C-863, January 15, 1991);  
 LDDS Metromedia Comm. (C-1044, February 8, 1994);  
 National Telephone & Comm. (C-902, March 31, 1992);  
 Payline Systems, Inc. (C-792, May 30, 1990);  
 Silverado Comm. Corp. (C-889, July 16, 1991);  
 Telegroup, Inc. (C-981, June 30, 1993);  
 Tel-Save, Inc. (C-930, September 1, 1992);  
 UniDial, Inc. (C-1022, December 13, 1993); and  
 West Coast Telecomm., Inc. (C-973, June 16, 1993).

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The Defendants are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stats. § 75-101 et seq. (1990 Reissue) and §86-801 to 86-811 (Reissue 1987 and Cum. Supp. 1992.) These companies are also governed by Title 291 NAC Ch. 5 of the Commission's telecommunications rules.

As part of its regulatory authority and pursuant to §86-807, the Commission through its Communications Department, requires telecommunications companies which file an annual report with a federal regulatory agency to file a copy of same with the Commission on or before the date on which said report is filed with the federal agency. Additionally, every carrier not required to file such a report with a federal agency is required to file an annual report with the Commission in a form prescribed on or before April 30 of each year.

On June 27, 1994, an order was entered by the Commission dismissing the following defendants from the complaint: Amer-I-Net Services Corp., LDDS Metromedia Communications, National Telephone & Communications, UniDial, Inc. and West Coast Telecommunications, Inc.. These companies, after receiving notice of the pending departmental complaint, submitted the requisite information to the Commission.

On August 2, 1994, a second order was entered by the Commission dismissing Payline Systems, Inc., CLM Associates, and Telegroup Inc. These companies also provided the necessary information to the Commission, thereby satisfying the subject of the petition.

Tel-Save, Inc. has recently complied with the Commission's Rules and Regulations and submitted their annual report on August 5, 1994. We note that Tel-Save submitted this information only two working days prior to the hearing which was scheduled to revoke their Certificate of Public Convenience and Necessity. The extreme lateness and total disregard Tel-Save has demonstrated to the Nebraska PSC indicates questionable operating practices and inexcusable conduct. The company had ample time in which to respond, and hours of staff time were consumed trying to work with this substandard company. The Commission takes this opportunity to reprimand Tel-Save for their behavior, and to strongly encourage them to improve their internal operations.

Silverado Communications and Convergent Communications have not responded to the petition. It has come to the Commission's attention that these companies no longer operate in Nebraska, and no longer need a certificate to do business.

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Since both companies have failed to answer the complaint within the prescribed time period, the certificates of authority previously issued to the companies will be revoked and both companies are ordered to cease operations in this state unless a new certificate is obtained.

Lastly, all companies mentioned as a defendants in this docket are hereinafter on notice that this type of conduct will not be tolerated in the future. Dismissals of this nature may not be granted in future proceedings.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the departmental complaint filed against Tel-Save, Inc. in Docket No. C-1078/Departmental Complaint No. 007 be, and it is hereby, dismissed as satisfied.

IT IS FURTHER ORDERED that the certificates of public convenience and necessity previously issued to Silverado Communications Corp. and Convergent Communications Inc. be, and they are hereby revoked. Both companies are also ordered to cease and desist from operating in the state of Nebraska absent authority from this Commission.

MADE AND ENTERED at Lincoln, Nebraska this 16th day of August, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Daniel S. Kwikler*

//s//Duane D. Gay  
//s//Rod Johnson  
//s//Frank Landis, Jr.  
//s//James F. Munnelly

*John J. Sande*  
\_\_\_\_\_  
Executive Director

ATTEST:

*W. R. King*  
\_\_\_\_\_

