

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1207
of the Nebraska Public Service Com-) Departmental Complaint 15
mission Communications Department)
seeking an order to cease and desist)
operations and to revoke the certifi-)
cates of public convenience and ne-)
cessity issued to the following)
Defendants:)
))
American Telecommunications Enter-)
prise, Inc.; American Telephone Net-) ORDER TO REVOKE OPERATING
work, Inc.; Calls for Less, Inc.;) AUTHORITIES AND TO CEASE
Communications Gateway; ComTel Com-) AND DESIST OPERATIONS IN
puters; Excel Telecommunications;) NEBRASKA
Global Wats One, Inc.; IDT America)
Corporation; Inmate Phone Systems,)
Inc.; National Telephone and Com-)
munications; Nebraska Wesleyan;)
NOSVA, L.P.; Petracom Corporation;)
Premier Billing Services, Inc.;)
Quest Telecommunications, Inc.;)
Telnet Communications, Inc.; Total-)
Tel USA Communications; and Universal)
Network Services of Nebraska.) Entered: Sept. 26, 1995

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, on July 6, 1995. The Department petitioned the Commission to revoke the intrastate operating authority of the following telecommunications companies (the "Defendants"):

American Telecommunications Enterprise, Inc.; C-1051
American Telephone Network, Inc.; C-935
Calls for Less, Inc.; C-1115
Communications Gateway; C-940
ComTel Computers; C-806
Excel Telecommunications; C-885
Global Wats One, Inc.; C-1057
IDT America Corporation; C-1112
Inmate Phone Systems, Inc.; C-971
National Telephone & Communications; C-902
Nebraska Wesleyan; C-939
NOSVA Limited Partnership; C-1062
Petracom Corporation; C-1049
Premier Billing Services, Inc.; C-1002
Quest Telecommunications, Inc.; C-1041
TELNET Communications, Inc.; C-921

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Total Tel USA Communications; C-1098
Universal Network Services - Nebraska; C-1113

The defendants are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stats. 75-101 et seq. (1994 Cum. Supp.) and 86-801 to 86-811 (Reissue 1994). These companies are also governed by Title 291, NAC Ch. 5 of the Commission's Rules and Regulations.

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 agency to file a copy of same report with the Commission on or before the date on which said report is filed with the federal agency. Every such company not required to file such a report with a federal agency shall file an annual report with the Commission in a form prescribed on or before April 30 of each year.

On July 31, 1995, an order was entered by the Commission dismissing the following defendants from the complaint: Calls For Less, Excel Telecommunications, IDT America Corporation, National Telephone and Communications, Nebraska Wesleyan and TotalTel USA Communications. These companies, after receiving notice of the pending departmental complaint, submitted the requisite information to the Commission.

On August 21, 1995, an order was entered by the Commission dismissing Quest Telecommunications, Inmate Phone Systems, NOSVA, L.P. and Universal Services of Nebraska from the departmental complaint. These companies also provided the necessary information to the Commission, thereby satisfying the subject of the petition.

On August 28, 1995, an order was entered by the Commission dismissing American Telephone Network from the complaint, as the company had filed its annual report to the Commission.

On September 12, 1995, the defendants, American Telecommunications Enterprise and Petracom, were dismissed from the departmental complaint, as these companies remitted the necessary information to fulfill the annual reporting requirement.

All the defendants were sent certified letters providing notice of the pending departmental complaint. Certified receipts were returned to the Commission showing that the letters were accepted and were received by all the above companies, but Telnet Communications. Copies of the receipts were entered into the record as Exhibit 5.

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The certified letter sent to Telnet Communications has not been returned to the Commission. However, an entry in the Public Service Commission mail log shows that a certified letter was mailed to Kevin Norams, (Telnet Communications), in Phoenix, Arizona. A copy of the entry was entered into the record as Exhibit 6. Upon calling the telephone number on file for Telnet Communications, it was discovered that a recording states the number has been disconnected and is no longer in service.

The Commission did not receive any written or verbal correspondence from Communications Gateway, ComTel Computers, Premier Billing Services and Telnet Communications pertaining to the annual report or the departmental complaint.

Global Telemedia responded to the present complaint and remitted a partial annual report. The company was advised both over the telephone and through a letter dated, July 17, 1995, that additional information was needed in order to fulfill the annual reporting requirement. The company was advised that upon filing the remaining information, its participation in the departmental complaint would cease. To date, the additional information has not been received.

None of the defendants appeared at the hearing held on September 19, 1995 in the Commission Hearing Room. All the companies were sent notice of the hearing via first class mail. The hearing notices informed the companies of the time, date and place of the hearing. Copies of the hearing notices were entered into the record as Exhibits 1 and 2.

Based on the failure of the defendant's to file the required annual report and each company's disregard of the requests to do so, each defendant's certificate of authority is hereby revoked and each company is ordered to cease and desist operations in Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the departmental complaint filed against Communications Gateway, ComTel Computers, Global Telemedia, Premier Billing Services and Telnet Communications is sustained.

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to these companies be, and are hereby, revoked. The companies are also ordered to cease and desist from operating in the state of Nebraska absent authority from this Commission.

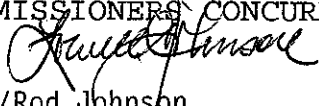
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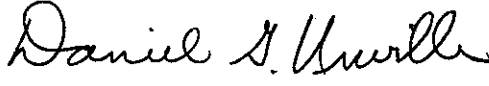
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MADE AND ENTERED at Lincoln, Nebraska this 26th day of
September, 1994.

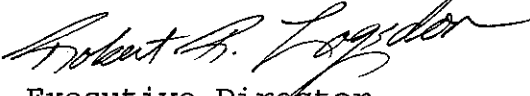
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING


//s//Rod Johnson
//s//Frank E. Landis
//s//James F. Munnely
//s//Daniel G. Urwiller


Chairman

ATTEST:


Executive Director