

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. C-1233  
of the Nebraska Public Service Com- )  
mission Communications Department ) PETITION TO REVOKE  
seeking an order to cease and desist ) OPERATING AUTHORITIES  
operations and to revoke the certifi- ) AND CEASE AND DESIST  
cates of public convenience and ne- ) OPERATIONS IN NEBRASKA  
cessity issued to the following )  
Defendants: )  
 )  
International Telecommunications Ex- )  
change Corporation and )  
TelTrust Communications Services. ) Entered: Sept. 12, 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 is filed by the Communications Department (the "Department") of the Nebraska Public Service Commission (the "Commission") by and through its Director, M. Gene Hand, and petitions the Commission to revoke the intrastate operating authority of the following telecommunications companies (the "Defendants"):

It its original order in Application No. C-962, the Commission granted International Telecommunications Exchange Corporation authority to operate as a resale carrier of intrastate interLATA and intraLATA interexchange telecommunications services in Nebraska. As such, International Telecommunications Exchange Corporation is a telecommunications company for purposes of regulation in Nebraska.

It its original order in Application No. C-1051, the Commission granted TelTrust Communications Services authority to operate as a resale carrier of intrastate interLATA and intraLATA interexchange telecommunications services in Nebraska. As such, TelTrust Communications Services is a telecommunications company for purposes of regulation in Nebraska.

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 86-11 (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

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file an annual report with the Commission in a form prescribed on or before April 30 of each year.


In the case of the defendants, proper and complete annual reports have not been filed for 1994, as of the date of this petition. Each company was notified by the staff two times by first class mail, January 5 and May 5, 1995, that the annual report was due. None of the defendants responded with a report satisfying the Commission's requirements.

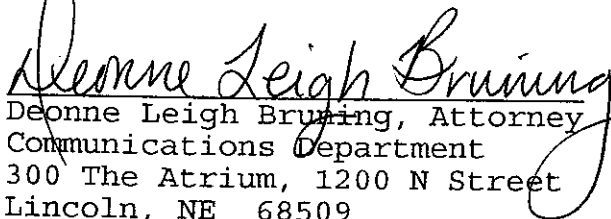
The defendant's are regulated telecommunications companies operating in Nebraska, and as such are subject to the Commission's jurisdiction and the statutes and rules established by the Legislature and the Commission to regulate them in the public interest. One of the basic regulatory requirements is that companies with the status of the defendants file an annual report on or before April 30 of each year.

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 by the staff, each defendant's certificate of authority should be revoked and each company ordered to cease and desist operations in Nebraska.

WHEREFORE, the Department petitions this Commission to set this matter for hearing after Defendants have answered this departmental complaint and then immediately revoke each certificate of authority previously issued to:

International Telecommunications Exchange Corporation and  
TelTrust Communications Services.

  
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