

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1332/DC 19
of the Nebraska Public Service)
Commission Communications Depart-)
ment seeking an order to cease) DISMISSED IN PART
and desist operations and to re-)
voke the certificates of public)
convenience and necessity issued)
to the defendants named below.) Entered: July 2, 1996

PRELIMINARY MATTERS

By petition dated May 3, 1996, the Communications Department (the Department) of the Nebraska Public Service Commission (the Commission) opened this docket requesting the Commission to revoke the intrastate operating authority of various defendants for failing to file an annual report pursuant to Neb. Rev. Stat. 86-807 (Reissue 1994). On June 4, 1996, the complaint was sustained against all defendants; however, defendants who timely responded to the complaint and filed an annual report were given the option to negotiate a settlement with the staff in order to be dismissed from the complaint. LDDS WorldCom and WilTel WorldCom had previously signed a stipulation agreeing to pay a \$100 administrative fine for failing to file their annual reports on or before April 30, 1996. Therefore, both companies were dismissed from the complaint on June 4, 1996. Subsequently, on June 25, 1996, fifteen (15) other defendants were dismissed, as they each paid a \$100 administrative fine.

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

Being fully advised in the premises, the Commission is of the opinion and finds:

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. 1 and 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 all certificated telecommunications companies to file an annual report with the Commission on or before April 30th of each year. All the defendants named in this complaint failed to comply with the mandates of 86-807. Therefore, this Commission, pursuant to the legislative authority granted in 75-128, may administratively fine all such companies, after notice and public hearing or revoke the certificates of public convenience and necessity issued to the defendants.

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The following defendants submitted an annual report to the Commission and timely responded to the departmental complaint. Further, the following defendants have signed a stipulation with the department wherein each defendant admits to filing its report late and to pay a total administrative fine of \$100 (one hundred dollars) to dismiss the departmental complaint. We accept the signed stipulations as satisfactory and dismiss the following defendants from this complaint:

TransNational Communications
Xiex Telecommunications
LDD, Inc.

The following defendants failed to respond to the departmental complaint within twenty (20) days after service of the complaint, as required by Commission Rule and Regulation. However, the defendants have since remitted an annual report and have agreed to pay an administrative fine of \$500 for dismissal from the departmental complaint:

SmartTel Communications
American TelGroup, Inc.

Both companies acknowledge that the annual report was due on or before April 30, 1996 and that the report was not remitted to the Commission. Further, both companies acknowledge that they did not respond to the Commission's departmental complaint in a timely manner.

All the above-mentioned companies should be aware that this Commission will not tolerate similar behavior in 1997 regarding the filing of the 1996 report. If reports are not submitted on or before April 30, 1997, the option of resolving the complaint through a stipulation process will be closely scrutinized.

It is the opinion of this Commission that the above-named defendants have complied with the provisions of Neb. Rev. Stat. 86-807 (Reissue 1994) and have satisfactorily remitted an annual report for the year 1995. Therefore, we dismiss these defendants from this complaint and do not require them to appear before the Commission for a hearing on July 16, 1996.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that TransNational Communications, Xiex Telecommunications, LDD, Inc., SmartTel Communications and American TelGroup, Inc. are dismissed from the departmental complaint

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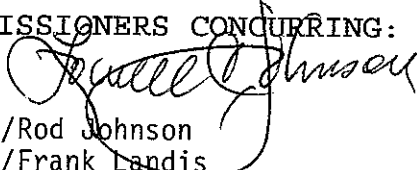
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and need not appear at the hearing previously scheduled for July 16, 1996 to resolve this matter.

MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of July 2, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


//s//Rod Johnson
//s//Frank Landis
//s//James F. Munnelly

Chairman

ATTEST: 


Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
