

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 16, 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, numerous other defendants have been dismissed from the complaint by paying an 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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Defendants who responded to the complaint by remitting an annual report within twenty (20) days from the date of the petition were allowed to stipulate to a \$100 administrative fine for dismissal. Such offer was clearly and expressly stated to expire on July 1, 1996. Since July the following defendants have indicated their willingness to resolve the complaint by paying an administrative fine of \$250 for dismissal. The following companies are hereby dismissed from the complaint:

Century Telecommunications
Dial and Save of Nebraska
NOSVA, L.P.
Telegroup

All the above-mentioned companies acknowledge that the annual report was due on or before April 30, 1996 and that the report was not timely remitted to the Commission. The defendants 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 Century Telecommunications, Inc.; Dial and Save of Nebraska; NOSVA, L.P. and Telegroup, Inc. are dismissed from the departmental complaint and need not appear at the hearing previously scheduled for July 16, 1996 to resolve this matter.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of July, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

[Signature]
//s//Rod Johnson
//s//Frank E. Landis
//s//James F. Munnelly
//s//Daniel G. Urwiller

Chairman *[Signature]*

ATTEST:

[Signature]
Executive Director