

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) COMPLAINT SUSTAINED
and desist operations and to re-)
voke the certificates of public)
convenience and necessity issued)
to the defendants named below.) Entered: June 4, 1996

PRELIMINARY MATTERS

By petition filed 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 the following defendants for failing to file an annual report pursuant to Neb. Rev. Stat. 86-807 (Reissue 1994):

ACC National Long Distance	MFS Intelenet of NE
Alternative Communications Tech.	Mid-Com Communications
American Teletronics LD	MTC Telemanagement Corp.
American TelGroup, Inc.	Network Services, Inc.
AmeriVision Communications	NOSVA, L.P.
Caribbean Telephone, Inc.	One to One Communications
Capital Network System, Inc.	Pegasus Information Systems
Century Payphones Services	PowerNet Communications
Century Telecomm, Inc.	QAI, Inc.
Clear Choice Comm. Inc.	Smartel Communications
Corporate Telemanagement	Teledial America, Inc.
Dial & Save of Nebraska	Telgroup, Inc.
Equal Net Communications	Tele-Trend Communications
GSTNET, Inc.	TelTrust Communications
GlobeNet Communications	TotalTel USA Comm
Great Lakes Telecommunications	Touchtone Network, Inc.
GTE TSI	Trans National Comm.
IDT America Corp.	Universal Network Svs - NE
InTeleCom, Inc.	WATS/800 Inc.
InVision Telecom, Inc.	Wats International Corp.
LDDS Metromedia Comm/WorldCom	World Call/West Coast Tel.
LDD, Inc.	WilTel, Inc./WorldCom
Lubbock Radio Paging	WorldTel Services, Inc.
Metropolitan Fiber Systems - NE	XIEX Telecommunications

The above-named defendants were sent via certified mail a copy of said petition notifying them of the departmental complaint.

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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.

The defendants were notified by the department two times by first class mail that the annual report was due on or before April 30, 1996. The first letter was dated January 5, 1996 and the second on April 1, 1996. We find that none of the defendants filed a report with the Commission on or before the April 30th deadline.

The defendants are regulated telecommunications companies and are subject to the Commission's jurisdiction and the statutes established by the Legislature to be regulated in the public interest. All the defendants 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.

We note that since May 1, 1996, the following defendants have remitted a report to the department:

ACC National Long Distance
Alternate Communications Tech.
American Teletronics LD
AmeriVision Communications
Capital Network System, Inc.
Central Payphones Services
Century Telecomm, Inc.
Dial & Save of Nebraska
GSTNET, Inc.
InVision Telecom., Inc.
LDDS Metromedia Comm/WorldCom
LDD, Inc.
Lubbock Radio Paging
Metropolitan Fiber Systems
MFS Intelenet of NE

Mid-Com Communications
MTC Telemanagement Corp.
NOSVA, L.P.
Pegasus Information System
QAI, Inc.
Teledial America, Inc.
Telegroup, Inc.
TelTrust Communications
TotalTel USA Comm.
Trans National Comm.
Universal Network Svs - NE
WilTel, Inc./WorldCom
WorldTel Services, Inc.
XIEX Telecomm.

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LDDS Metromedia Communications/WorldCom and WilTel, Inc./WorldCom 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 stipulation as satisfactory and dismiss LDDS and WilTel from this complaint.

The other defendants who have filed reports as of today's date may also resolve the departmental complaint with the department by settlement, as they have answered the departmental complaint pursuant to Commission Rule 005.09. However, any defendant who has not signed a stipulation which included a \$100.00 fine on or before July 1, 1996, must appear at a public hearing, pursuant to 75-128, in which the company may present information to the Commission why the report was late and why it should be dismissed from the complaint. Such hearing will be July 16, 1996 at 1:30 p.m. in the Commission Hearing Room, Lincoln, Nebraska.

Defendants who have not responded to the departmental complaint and/or who have failed to file the annual report as of today's date are construed to having admitted the allegations in the complaint (see Commission Rule 005.09A). Accordingly, each such defendant is to appear before the Commission for a public hearing. The hearing will be held July 16, 1996 at 1:30 p.m. in the Commission Hearing Room, Lincoln, Nebraska.

Based on the evidence presented in the petition and the answers provided by the defendants, we find all the defendants failed to file the required annual reports on or before April 30, 1996.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all defendants who have not signed a stipulation on or before July 1, 1996, are to appear before the Commission for a public hearing on July 16, 1996 at 1:30 p.m. in the Commission Hearing Room, Lincoln, Nebraska.

IT IS FURTHER ORDERED that any defendant who has filed a satisfactory annual report as of today's date may execute a stipulation with the department, similar to that offered by LDDS and WilTel for dismissal.

IT IS FURTHER ORDERED that LDDS Metromedia Communications/WorldCom and WilTel, Inc./WorldCom are dismissed from the departmental complaint and need not appear at the July 16, 1996 hearing.


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MADE AND ENTERED at Lincoln, Nebraska, this 4th day of June, 1996.



NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


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

Chairman

ATTEST:



Executive Director