

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1539
the Nebraska Public Service) DC-20
Commission Communications Department)
seeking an order to cease and desist) Complaint Dismissed
operations and to revoke the certi-) In Part
ficates of public convenience and)
necessity issued to AIS Telecommuni-)
cations Services, Inc., et. al.) Entered: June 23, 1997

BY THE COMMISSION

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

The complaint in caption seeks an order revoking the intrastate operating authority of each of the defendants for failing to file an annual report pursuant to Neb. Rev. Stat. 86-807 (Reissue 1994).

A copy of the complaint was mailed to each defendant via certified mail.

The defendants are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stats. 75-101 et seq. (Reissue 1996) 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 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, 1997. The first letter was dated January 10, 1997, and the second April 1, 1997.

The Commission, by order dated June 4, 1997, subsequently determined that a number of defendants had adequately complied with the provisions of Neb. Rev. Stat. 86-807 (Reissue 1994) and had satisfactorily remitted an annual report for the year 1996. Therefore, those defendants were dismissed from this complaint and are not required to appear before the Commission for a hearing on July 8, 1997.

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In addition, the Commission finds that the defendant Avery Communications, Inc. is not authorized to provide telecommunications service in Nebraska and was included in the complaint in error. Therefore, Avery Communications, Inc. should be administratively dismissed from the complaint.

Furthermore, the following defendants have signed a stipulation with the department wherein each defendant admits to filing its report late and agrees to pay an administrative fine to dismiss the departmental complaint. The signed stipulations are satisfactory and the following defendants should be dismissed from this complaint:

Dial & Save of Nebraska, Inc.
Inter-Tel Net Solutions, Inc.
TeleConcepts, Inc. dba Telephone Express
MTC Telemanagement Corp.
Touch 1 Long Distance, Inc.
WorldCom Network Services
UStel, Inc.
Worldcom/Wiltel
Cherry Communications
Matrix Telecom
TTI National, Inc. dba Target Telecom
U.S. South Comm. dba US South & INCOMM
Peoples Telephone Company
Network Plus, Inc.
QCC, Inc.
Xtracom, Inc.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 1998 regarding the filing of the 1997 report. If reports are not submitted on or before April 30, 1998, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and be subject to the maximum penalty allowed.

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 1996; therefore, those defendants should all be dismissed from this complaint and should not be required to appear before the Commission for a hearing on July 8, 1997.

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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, 1997, are to appear before the Commission for a public hearing on July 8, 1997, at 1:30 p.m. in the Commission Hearing Room, Lincoln, Nebraska.

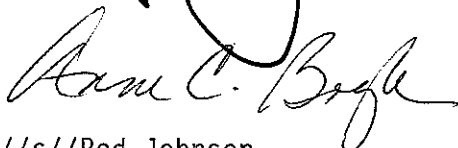
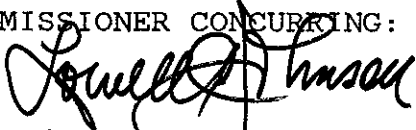
IT IS FURTHER ORDERED that any defendant who has filed a satisfactory annual report may execute a stipulation with the department, similar to that offered by the above-named companies for dismissal.

IT IS FURTHER ORDERED that Avery Communications, Inc.; Dial & Save of Nebraska, Inc.; Inter-Tel Net Solutions, Inc.; TeleConcepts, Inc. dba Telephone Express; MTC Telemanagement Corp.; Touch 1 Long Distance, Inc.; WorldCom Network Services; UStel, Inc.; Worldcom/Wiltel; Cherry Communications; Matrix Telecom; TTI National, Inc. dba Target Telecom; U.S. South Comm. dba US South & INCOMM; Peoples Telephone Company; Network Plus, Inc.; QCC, Inc.; and Xtracom, Inc. be, and they are hereby, dismissed from the departmental complaint and need not appear at the July 8, 1997, hearing.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of June, 1997.

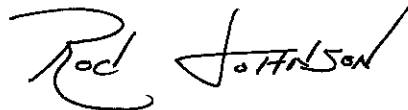
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONER CONCURRING:

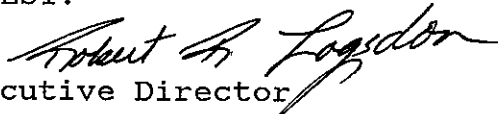


//s//Rod Johnson
//s//Daniel G. Urwiller

Chairman



ATTEST:



Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
