

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1539/DC-20  
of the Nebraska Public Service )  
Commission Communications Depart- )  
ment seeking an order to cease ) Reconsideration Motion  
and desist operations and to re- ) Sustained  
voke the certificates of public )  
convenience and necessity issued )  
to the named defendants. ) Entered: September 15, 1997

BY THE COMMISSION:

By petition dated May 12, 1997, 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 failure to file annual reports pursuant to Neb. Rev. Stat. 86-807 (Reissue 1994). On June 4, 1996, the motion was sustained; however, defendants were given the option to negotiate a settlement in order to be dismissed from the complaint. A hearing was held July 8, 1997, in the Commission Hearing Room for defendants that did not reach a settlement with the staff. No defendant made an appearance at the hearing. On August 5, 1997, the Commission entered an order revoking the operating authority of several defendants.

Primus has filed a motion requesting reconsideration of the Commission's August 5, 1997 order and asks that their Certificate of Public Convenience and Necessity be reinstated.

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

Primus asked this Commission to reconsider its order entered August 5, 1997, as it had filed its annual report with the Commission. Primus filed a stipulation and the applicable administrative fine on September 8, 1997.

Primus failed to comply with our statutory requirements for nearly four months. It was not until its Certificate of Public Convenience and Necessity was revoked that it fully complied with Nebraska statutes. This behavior is unacceptable. Should Primus submit a late annual report in the future, a negotiated settlement may not be presented as an option.

Nonetheless, as Primus has filed its annual report, paid the applicable administrative fine, and has signed a stipulation admitting to fault, we find the certificate previously issued to Primus should be reinstated.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity previously issued to Primus Telecommunications, Inc. be and it is hereby reinstated.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of September, 1997.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION



Chairman



ATTEST:

//s//Rod Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

  
Executive Director