

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

M. Gene Hand, Director,) Departmental Complaint 22
Communications Department,) Application No. C-1681
Nebraska Public Service)
Commission, Lincoln,)
Nebraska, Complainant,)
vs.) DISMISSED
Tel-Save, Inc., d/b/a Group)
Network Services, Inc. and)
also d/b/a TPC - The Phone)
Company of New Hope, New)
Hope, Pennsylvania,)
Defendant.) Entered: December 16, 1997

BY THE COMMISSION

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

On November 18, 1997, the Commission opened this Departmental Complaint against Tel-Save, Inc., d/b/a Group Network Services, Inc. and also d/b/a TPC - The Phone Company of New Hope (Tel-Save) and its officers.

Defendant is a telecommunications company regulated by the Commission pursuant to Neb. Rev. Stats. 75-101 et. seq. (1997 Supp.) and 86-801 to 86-11 (1997 Supp.). Defendant is also governed by Title 291, NAC Ch. 5 of the Commission's Rules and Regulations.

On April 29, 1997, the Commission approved Application No. C-1461 and a stipulation contained therein which authorized an amendment to Tel-Save's tariff allowing Tel-Save to do business under the d/b/a "TPC - The Phone Company of New Hope". Aliant Communications Company and Nebraska Independent Telephone Association were intervenors who joined Tel-Save in the stipulation.

Departmental Complaint 22 was initiated based upon information that the defendant had been providing, and/or had offered to provide, telecommunications services as "The Phone Company" in violation of the terms of its tariff.

The petition would have requested that the Commission (1) order the Tel-Save to cease and desist from offering telecommunications services in Nebraska pursuant to Neb. Rev. Stat. Section 75-133 (1997 Supp.); and (2) revoke defendant's Certificate of Public Convenience and Necessity to operate as a reseller of intrastate interLATA and intraLATA interexchange telecommunications services in Nebraska pursuant to Neb. Rev. Stat. Section 75-133 (1997 Supp.).

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Since the complaint was filed, the defendant has submitted documentary evidence to the Commission to demonstrate that it took immediate action to cure the actions complained of, and that no consumers were harmed by defendant's actions.

The documents submitted by defendant demonstrate that in late September of 1997, defendant sent an Access Service Request (ASR) to various Nebraska telecommunications providers. The ASRs bore the heading "The Phone Company" rather than "TPC - The Phone Company of New Hope" as agreed to by stipulation in Application No. C-1461. Upon realizing its error, defendant sent corrected ASRs to the affected companies, along with a letter of apology. No individual consumers received copies of the offending document.

The Commission is satisfied that the actions, complained of above, were inadvertent and did not mislead or otherwise harm any consumers. The Commission is further satisfied that upon discovering the error, the defendant took the appropriate corrective action.

Therefore, the Commission is of the opinion and finds that Application No. C-1681/Departmental Complaint No. 22 against the defendant, Tel-Save, Inc., should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaint rendered against Tel-Save, Inc., d/b/a Group Network Services, Inc. and also d/b/a TPC - The Phone Company of New Hope (Tel-Save) and its officers, Application No. C-1681/Departmental Complaint 22 is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska on the 16th day of December, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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

Chairman



ATTEST:


Executive Director