

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. C-1810
the Nebraska Public Service Commis-)	Departmental Complaint 25
sion Communications Department seek-)	
ing an order to cease and desist)	Complaint Dismissed
operations and to revoke the certi-)	In Part and Set
ficates of public convenience and)	For Hearing
necessity issued to the named defen-)	
dants.)	Entered: June 9, 1998

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 intra-state operating authority of each of the defendants for failing to file an annual report pursuant to Neb. Rev. Stat. Section 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 Nebraska Public Service Commission (Commission) pursuant to Neb. Rev. Stat. Sections 75-101 et seq. (Reissue 1996) and 86-801 to 86-811 (Supp. 1997). 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 Section 86-807, the Commission, through its Communications Department (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, 1998. The first letter was dated January 12, 1998, and the second April 1, 1998.

The Commission finds that a number of the defendants did in fact satisfy the filing requirements and were included in the complaint in error. The following defendants should thus be administratively dismissed from the complaint:

ACSI Local Switched Services, Inc.
Cox Nebraska Telcom II, L.L.C.
FoneTel/American Telcom, Inc.
Nebraska Technology & Telecommunications, Inc. (NT&T)
North American InTeleCom, Inc.
Pegasus Information Systems, Inc.

Furthermore, a number of defendants satisfied the requirements within a reasonably acceptable time frame, considering uncon-

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trollable delays in actual delivery. Therefore, the following defendants should be granted leniency and also be dismissed from the complaint:

Affinity Network Incorporated	Operator Service Company
American Telecommunications Systems, Inc.	Phase 2 Telesystems, Inc.
Business Telecom, Inc. (BTI)	PT-1 Communications, Inc.
Charities Network International, Inc. (fka	(fka Phonetime, Inc.)
International Charity Network, Inc.)	SBR, Inc.
Consumer Access/RRV Enterprises, Inc.	TeleHub Network Services
D.D.D. Calling, Inc.	Corporation
DTG Communications/Dakota Coop Telecom	Transcommunications, Inc.
Dial & Save/Telco Holdings, Inc.	USX Consultants, Inc.
ITC DeltaCom Communications, Inc.	USN Communications Long
International Telcom, Ltd.	Distance, Inc.
Inter-Tel Net Solutions, Inc.	Vista Group Int'l, Inc.
NOS Communications, Inc.	Westinghouse Communica-
NOSVA Limited Partnership	tions

In addition, 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:

AccuTel Communications, Inc.	Matrix Telecom, Inc.
Alternate Communications Technology, Inc.	Qwest Communications Corp
American International Telephone, Inc.	RCN Long Distance Company
AmeriVision Communications, Inc.	Speer Virtual Media, Ltd.
CTN Telephone Network, Inc.	Starlink Communications
Conquest Operator Services Corp.	360° Long Distance, Inc
Easton Telecom Services, Inc.	T-NETIX, Inc.
Feist Long Distance	U.S. South Communica-
GSTNET, Inc.	tions, Inc.
Global Telephone Corporation	UniDial Communications,
Intelicom International Corp.	Inc (fka UniDial, Inc)
KeyArt Comm., Inc.	Wessan Enterprises, Inc.
Long Distance Billing/QAI, Inc.	

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 1999 regarding the filing of the 1998 report. If reports are not submitted on or before April 30, 1999, 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. Section 86-807 (Reissue 1994) and have satisfactorily remitted an annual report for the year 1997; therefore, those defendants should all be dismissed from this complaint and should not be required to appear before the Commission for a hearing on August 4, 1998.

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O R D E R

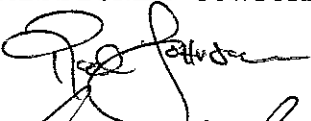

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a public hearing is set for August 4, 1998, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. All defendants who have not been dismissed from this complaint are to appear before the Commission for the public hearing.

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 ACSI Local Switched Services, Inc.; AccuTel Communications, Inc.; Affinity Network Incorporated; Alternate Communications Technology, Inc.; American International Telephone, Inc.; American Telecommunications Systems, Inc.; AmeriVision Communications, Inc.; Business Telecom, Inc. (BTI); CTN Telephone Network, Inc.; Charities Network International, Inc. (fka International Charity Network, Inc.); Conquest Operator Services Corp.; Consumer Access/RRV Enterprises, Inc.; Cox Nebraska Telcom II, L.L.C.; D.D.D. Calling, Inc.; DTG Communications/Dakota Coop Telecom; Dial & Save/Telco Holdings, Inc.; Easton Telecom Services, Inc.; Feist Long Distance; FoneTel/American Telcom, Inc.; GSTNET, Inc.; Global Telephone Corporation; ITC DeltaCom Communications, Inc.; Intelicom International Corp.; International Telcom, Ltd.; Inter-Tel Net Solutions, Inc.; KeyArt Comm., Inc.; Long Distance Billing/QAI, Inc.; Matrix Telecom, Inc.; NOS Communications, Inc.; NOSVA Limited Partnership; Nebraska Technology & Telecommunications, Inc. (NT&T); North American InTeleCom, Inc.; Operator Service Company; Pegasus Information Systems, Inc.; Phase 2 Telesystems, Inc.; PT-1 Communications, Inc. (fka Phonetime, Inc.); Qwest Communications Corp.; RCN Long Distance Company; SBR, Inc.; Speer Virtual Media, Ltd.; Starlink Communications LLC; 360° Long Distance, Inc.; T-NETIX, Inc.; TeleHub Network Services Corporation; Transcommunications, Inc.; U.S. South Communications, Inc.; USX Consultants, Inc.; USN Communications Long Distance, Inc.; UniDial Communications, Inc. (fka UniDial, Inc.); Vista Group International, Inc.; Wessan Enterprises, Inc.; and Westinghouse Communications be, and they are hereby, dismissed from the departmental complaint and need not appear at the August 4, 1998, hearing.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of June, 1998.

COMMISSIONER CONCURRING:

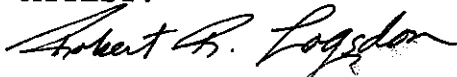



//s//Lowell C. Johnson
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
