

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
ficates of public convenience and	)	
necessity issued to the named defen-	)	
dants.	)	Entered: August 4, 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 on May 14, 1998.

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, by orders dated June 9 and June 30, 1998, subsequently determined that a number of defendants had adequately complied with the provisions of Neb. Rev. Stat. Section 86-807 (Reissue 1994) and had satisfactorily submitted an annual report for the year 1997. Therefore, those defendants were dismissed from this complaint and are not required to appear before the Commission for a hearing on August 4, 1998.

The Commission finds that two 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:

CFW Communications Services, Inc.  
Cypress Telecommunications Corporation

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

Application No. C-1810/DC-25

PAGE TWO

complaint. The signed stipulations are satisfactory and the following defendants should be dismissed from this complaint:

The Farm Bureau Connection/  
American Farm Bureau  
Long Distance Savings/  
Protel Advantage  
PTT Telekom, Inc.

Phoenix Network, Inc.  
Premiere Comm., Inc.  
Telec, Inc.  
Telscape USA, Inc.  
USA Tele Corp.

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 submitted 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.

## O R D E R

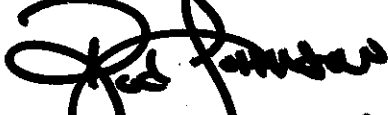
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all defendants who have not been dismissed from this complaint are to appear before the Commission for the scheduled public hearing on August 4, 1998, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, 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 to the above-named companies for dismissal.

IT IS FURTHER ORDERED that CFW Communications Services, Inc.; Cypress Telecommunications Corporation; The Farm Bureau Connection/American Farm Bureau; Long Distance Savings/Protel Advantage; PTT Telekom, Inc.; Phoenix Network, Inc.; Premiere Comm., Inc.; Telec, Inc.; Telscape USA, Inc. and USA Tele Corp. 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 4th day of August, 1998.

COMMISSIONER CONCURRING:



//s//Lowell C. Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

ATTEST:

  
Executive Director