

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. C-1813
the Nebraska Public Service Commis-)	Departmental Complaint 26
sion Communications Department seek-)	
ing an order to cease and desist op-)	
erations and to revoke the certifi-)	Complaint Dismissed
cates of public convenience and neces-)	In Part and Set
sity issued to American Teletronics)	For Hearing
Long Distance, Inc.; Primus Telecom-)	
munications, Inc.; and TotalTel, Inc.)	
(fka TotalTel USA Comm, Inc.).)	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 Primus Telecommunications, Inc. satisfied the requirements within a reasonably acceptable time frame, considering uncontrollable delays in actual delivery. Therefore, Primus Telecommunications, Inc. should be granted leniency and be dismissed from the complaint.

Primus Telecommunications, Inc. has complied with the provisions of Neb. Rev. Stat. Section 86-807 (Reissue 1994) and has satisfactorily remitted an annual report for the year 1997; therefore, the defendant should be dismissed from this complaint and should not be required to appear before the Commission for a hearing on August 4, 1998.

Application No. C-1813/DC-26

PAGE TWO

O R D E R

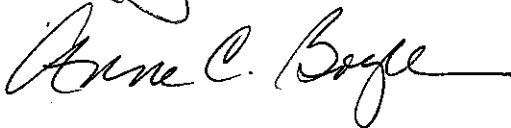
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a public hearing is set for August 4, 1998, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. All defendants who have not been dismissed from this complaint are to appear before the Commission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

IT IS FURTHER ORDERED that Primus Telecommunications, Inc. be, and it is hereby, dismissed from the departmental complaint and need not appear at the August 4, 1998, hearing.

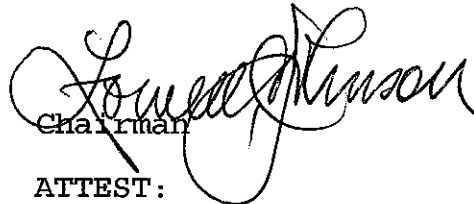
MADE AND ENTERED at Lincoln, Nebraska, this 9th day of June, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

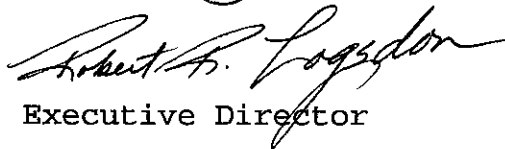
COMMISSIONER CONCURRING:



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


Chairman

ATTEST:


Executive Director