

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-	)	DISMISSED IN PART
cates of public convenience and neces-	)	SUSTAINED IN PART
sity issued to American Teletronics	)	
Long Distance, Inc.; Primus Telecom-	)	
munications, Inc.; and TotalTel, Inc.	)	
(fka TotalTel USA Comm, Inc.).	)	Entered: August 11, 1998

BY THE COMMISSION:

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

By petition dated May 13, 1998, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) opened this docket requesting the Commission to revoke the intrastate operating authority of each of the defendants for failure to file annual reports pursuant to Neb. Rev. Stat. Section 86-807 (Reissue 1994). Defendants were given the option to negotiate a settlement in order to be dismissed from the departmental complaint. A hearing was held August 4, 1998, in the Commission Hearing Room for defendants that did not reach a settlement with the Department. No defendant made an appearance at the hearing.

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

Being fully advised in the premises, the Commission is of the opinion and finds:

The defendants are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stat. Section 75-101 et seq. (Reissue 1996) and Sections 86-801 to 86-811 (Supp. 1997). These companies are also governed by Title 291, NAC Ch. 1 and 5 of the Commission's Rules and Regulations.

As part of its regulatory authority and pursuant to Section 86-807, the Commission, through its Department, requires all certificated telecommunications companies to file an annual report with the Commission on or before April 30th of each year. The defendants were notified on two occasions of such filing requirement by first class mail on January 12, 1998, and the second April 1, 1998.

The Commission subsequently determined that Primus Telecommunications, Inc. 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, Primus was dismissed from this complaint prior to the date of this order.

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The remaining two defendants named herein failed to comply with the mandates of Section 86-807. Therefore, this Commission, pursuant to the legislative authority granted in Section 75-128, may administratively fine all such companies, after notice and public hearing, or revoke the certificates of public convenience and necessity issued to the defendants.

The Commission finds that TotalTel, Inc. (fka TotalTel USA Comm, Inc.) recently complied with the statutory requirements by submitting an annual report and signing a stipulation with the Department wherein it admits to filing its report late and agrees to pay an administrative fine to dismiss the departmental complaint. The signed stipulation is satisfactory and TotalTel, Inc. should be dismissed from this complaint.

TotalTel, Inc. should be aware that this Commission will not tolerate similar behavior in 1999 regarding the filing of the 1998 report. If a report is 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.

American Teletronics Long Distance, Inc. has not filed an annual report and has not negotiated a settlement. Accordingly, we find the Certificate of Public Convenience and Necessity issued to American Teletronics Long Distance, Inc. should be revoked.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that TotalTel, Inc. (fka TotalTel USA Comm, Inc.) be, and it is hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity issued to American Teletronics Long Distance, Inc. be, and it is hereby, revoked.

MADE AND ENTERED at Lincoln, Nebraska, this 11th day of August, 1998.

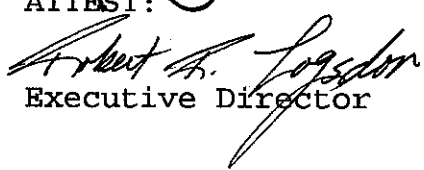
COMMISSIONER CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

ATTEST:

  
Executive Director