

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

John Burvainis, Deputy Director,) Departmental Complaint 28
Communications Department,) Application No. C-1888
Nebraska Public Service)
Commission, Lincoln,)
Nebraska, Complainant,)
vs.) ORDER CONTINUING HEARING
USA Tele Corp.,)
Pompano, Florida,)
Defendant.) Entered: October 26, 1998

BY THE COMMISSION:

On the motion filed by complainant in this matter on September 10, 1998, the Nebraska Public Service Commission (Commission) finds and orders as follows.

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

Complainant, John Burvainis, presented preliminary evidence of numerous complaints dealing with USA Tele Corp., of Pompano, Florida, regarding the defendant's marketing practices and misrepresentations. Specifically, complainant alleged:

1. Complainant is Deputy Director of the Department of Communications of this Commission.
2. On December 23, 1997, defendant obtained a Certificate of Public Convenience and Necessity to operate as a resale common carrier of telecommunications services in Nebraska in Application No. C-1578.
3. The Commission has jurisdiction in this matter because defendant provides intrastate telecommunications services in Nebraska.
4. The Commission finds the defendant's marketing practices highly suspect.
5. The Commission has received numerous complaints from customers about the defendant's marketing practices and misrepresentations.
6. Defendant's suspect marketing practices and misrepresentations are not in the public's interest.
7. Staff has been unable to obtain information as to the status of defendant's marketing practices and the reasons for the defendant's misrepresentations.

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Prior to the hearing in this matter, staff counsel was contacted by Lance Steinhart, an attorney for USA Tele Corp., who requested that the hearing scheduled for October 26, 1998, at 1:30 p.m. be continued to a later date. Mr. Steinhart indicated that the company is eager to work with the Commission in resolving this complaint. As such, he is compiling the information requested by staff and will be forwarding it to the Commission for review.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the hearing scheduled for October 26, 1998, shall be, and it is hereby, continued.

IT IS FURTHER ORDERED that unless this complaint is satisfactorily resolved, the defendant shall appear personally before this Commission at a hearing in this matter in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, on December 1, 1998, at 1:30 p.m.

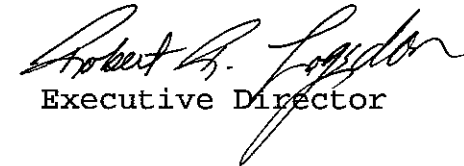
MADE AND ENTERED at Lincoln, Nebraska, this 26th day of October, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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


Chairman
ATTEST:
Executive Director