

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 TO SHOW CAUSE
)	
USA Tele Corp.,)	
Pompano, Florida,)	
Defendant.)	Entered: September 21, 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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Accordingly, the Commission finds that the defendant should be ordered to show cause why the Commission should not (1) revoke defendant's Certificate of Public Convenience and Necessity to operate as a reseller of intrastate interLATA and intraLATA interexchange telecommunications services in Nebraska pursuant to Neb. Rev. Stat. Section 75-133 (1996), and (2) order the defendant to cease and desist from offering telecommunications services in Nebraska pursuant to Neb. Rev. Stat. Section 75-133 (1996)

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that USA Tele Corp., of Pompano, Florida, be, and it is hereby, ordered to show cause why the Commission should not (1) revoke defendant's Certificate of Public Convenience and Necessity to operate as a reseller of intrastate interLATA and intraLATA interexchange telecommunications services in Nebraska pursuant to Neb. Rev. Stat. Section 75-133 (1996), and (2) order the defendant to cease and desist from offering telecommunications services in Nebraska pursuant to Neb. Rev. Stat. Section 75-133 (1996)

IT IS FURTHER ORDERED that the defendant 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 October 26, 1998, at 1:30 p.m.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of September, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell C. Johnson

Ann C. Boyle

//s//Lowell C. Johnson

//s//Frank E. Landis

//s//Daniel G. Urwiller

Lowell C. Johnson
Chairman

ATTEST:

Robert B. Logsdon

Executive Director