

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2051
of the Nebraska Public Service) Departmental Complaint No. 29
Commission Communications Depart-)
ment seeking an order to cease)
and desist operations and to re-) COMPLAINT SUSTAINED IN PART
voke the certificates of public)
convenience and necessity issued)
to the named defendants (IXCs).) Entered: August 10, 1999

BY THE COMMISSION:

By petition dated May 25, 1999, the Communications Department (Department) of the Nebraska Public Service Commission opened this docket requesting the Commission to revoke the intrastate operating authority of various defendants for failure to file annual reports pursuant to Neb. Rev. Stat. sec. 86-807 (Reissue 1994). All interexchange carriers (IXCs) who had not filed annual reports with the Commission were named as defendants in this docket. Notice of this docket was published in The Daily Record, Omaha, Nebraska, on May 25, 1999. A hearing was held August 3, 1999, in the Commission Hearing Room, Lincoln, Nebraska, for the defendants who 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

The defendants are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stat. secs. 75-101 et seq. (Reissue 1996) and 86-801 to 86-811 (1998 Cum. Supp.). These companies are also governed by Title 291, Chapters 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 originally named in the complaint 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 subsequently determined that several defendants had adequately complied with the provisions of Section 86-807 and had satisfactorily submitted an annual report for the year 1998.

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Therefore, such parties were dismissed from the complaint in Commission orders entered on June 22, 1999, and July 27, 1999.

The remaining defendants, named herein, received from the Commission letters dated January 8, 1999, and April 1, 1999, which restated the annual report filing requirement and warned of possible fines and/or certificate revocation. The defendants were given the option of negotiating a settlement by submitting an annual report and signing a stipulation with the Department wherein each defendant admits to filing their annual report late and agrees to pay an administrative fine to dismiss the departmental complaint against them. The defendants were also sent copies of the original complaint, the June 22 order, and notice of the August 3 public hearing.

The following defendants in this matter filed an annual report once the petition was entered; however, they did not sign a stipulation nor pay an administrative fine. Accordingly, we find the certificates of public convenience and necessity issued to the following defendants should be revoked:

ACS Systems, Inc.
American International Telephone, Inc.
Eastern Ambulance Service, Inc.
International Telcom, Ltd.
Local Long Distance/Coleman Enterprises, Inc.
Long Distance Savings/Protel Advantage

The remaining defendants in this matter have not filed an annual report and have not negotiated a settlement. Accordingly, we find the certificates of public convenience and necessity issued to the following defendants should also be revoked:

AccuTel Communications, Inc.
American Freeway100/Elias Ventures, Inc.
American Network Exchange, Inc. (ANEI)
American TelGroup, Inc.
Call Plus, Inc.
FoneTel/American Telcom, Inc.
Journey Telecom International, Inc.
LDC Telecommunications, Inc.
MTC Telemanagement Corp.
MVX Communications, LLC
Meridian Telecom Corp.
NTI Telecom, Inc.
NeTel, Inc./TEL3
Network International, LC

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Nexstar Communications, Inc.
Nova Telecom, Inc.
People Link by TCI/Western Tele-Comm., Inc.
Performance Telecom/Atlas Equity, Inc.
Pride America, Inc.
Telec, Inc.
Telenational Communications
USA Tele Corp.
USBG, Inc.
Ustel, Inc.
VIP Telephone Network, Inc.
Xtracom, Inc.

We note that the certificate of Telecom One, Inc., a defendant in this complaint who failed to file a report, was previously revoked on August 3, 1999, pursuant to Docket No. C-2072.



O R D E R


IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificates of Public Convenience and Necessity issued to the defendants named herein be, and they are hereby, revoked.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of August, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

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

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