

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. C-2051  
the Nebraska Public Service Commis- ) Departmental Complaint 29  
sion Communications Department seek- )  
ing an order to cease and desist ) Complaint Dismissed  
operations and to revoke the certi- ) In Part  
ficates of public convenience and )  
necessity issued to the named defen- )  
dants (IXCs). ) Entered: August 17, 1999

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. sec. 86-807 (Reissue 1994).

A copy of the complaint was mailed to each defendant via certified mail on May 26, 1999.

The defendants are telecommunications companies generally regulated by the Nebraska Public Service Commission (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, 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, 1999. The first letter was dated January 8, 1999, and the second April 1, 1999.

The Commission subsequently determined that a number of defendants had adequately complied with the provisions of Section 86-807 and had satisfactorily submitted an annual report for the year 1998. Therefore, such parties were dismissed from this complaint in Commission orders entered on June 22, 1999, and July 27, 1999.

A hearing was held August 3, 1999, in the Commission Hearing Room, Lincoln, Nebraska, for the defendants who did not comply with the provisions of Section 86-807 and failed to satisfactorily submit an annual report and negotiate a settlement with the department. The Commission, by order dated August 10, 1999, subsequently revoked the certificates of public convenience and necessity issued to a number of defendants who failed to comply with the statutory requirements.

Application No. C-2051/DC-29

PAGE TWO

The Commission finds that two of the defendants complied with the statutory requirements after the August 3, 1999, hearing but before the Commission entered its August 10, 1999, order revoking the certificates of the defendants who failed to comply with the requirements. The following two defendants submitted an annual report and signed a stipulation with the Department wherein they admit to filing their reports late and agree to pay an administrative fine to dismiss the departmental complaint. The signed stipulations are satisfactory and the following defendants should be dismissed from this complaint:

Evercom Systems, Inc.  
North American Telephone Network, LLC

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2000 regarding the filing of the 1999 report. If reports are not postmarked on or before April 30, 2000, 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.

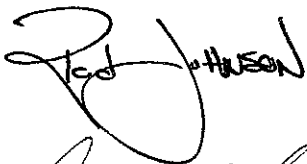

The above-named defendants have complied with the provisions of Neb. Rev. Stat. sec. 86-807 and have satisfactorily submitted an annual report for the year 1998; therefore, those defendants should be dismissed from this complaint.

O R D E R

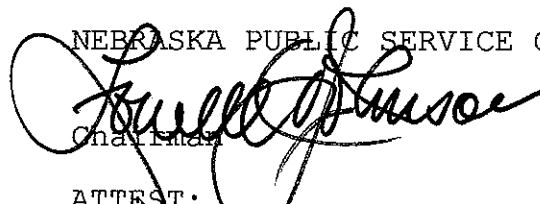

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Evercom Systems, Inc. and North American Telephone Network, LLC be, and they are hereby, dismissed from the departmental complaint.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of August, 1999.

COMMISSIONER CONCURRING:

//s//Lowell C. Johnson  
//s//Frank E. Landis

NEBRASKA PUBLIC SERVICE COMMISSION  
  
Chairman  
ATTEST:  
  
Executive Director