

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 and Set
ficates of public convenience and) For Hearing
necessity issued to the named defen-)
dants (IXCs).) Entered: June 22, 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.

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 (Supp. 1997). 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 finds that a number of the defendants did in fact satisfy the filing requirements and were included in the complaint in error. The following defendants should thus be administratively dismissed from the complaint:

ACC National Long Distance Corp./Vista Int'l
Aliant Midwest, Inc.
Cable & Wireless Global Card Services, Inc.
Cox Nebraska Telcom, L.L.C.
Eclipse Communications Corporation
Hooper Telephone Long Distance/HTC Comm., Inc.
ICG Telecom Group, Inc.
Intelnet International Corp.
KCI Long Distance, Inc.
Level 3 Communications, LLC
Megsinet-CLEC, Inc.
Nebraska Technology & Telecomm., Inc. (NT&T)
SBR, Inc.
TRILOGY Telemanagement, LLC
WorldPort Communications, Inc.

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Furthermore, a number of defendants have signed a stipulation with the Department wherein each defendant admits to filing its report late and agrees 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:

ACOMM, Inc.
Advanced Management Svc., Inc.
American Telecommunications Enterprise, Inc.
Association Administrators, Inc.
Eastern Telecommunications, Inc.
EQuality, Inc.
The Farm Bureau Connection/American Farm Bureau
GSTNET, Inc.
I-Link Communications, Inc.
ICLD/Intercontinental Communications Group, Inc.
IDT Corporation
LCI International Telecom Corp./Qwest
Long Distance International, Inc.
Matrix Telecom, Inc.
PNG Telecommunications, Inc.
PTT Telekom, Inc.
Peoples Telephone Company
U.S. Long Distance, Inc. (USLD)
UniDial Communications, Inc.
VoCall Communications Corp.

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 (Reissue 1994) and have satisfactorily remitted an annual report for the year 1998; therefore, those defendants should all be dismissed from this complaint and should not be required to appear before the Commission for a hearing on August 3, 1999.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a public hearing is set for August 3, 1999, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. All defendants who have not been dismissed from this complaint are to appear before the Commission for the public hearing.

IT IS FURTHER ORDERED that any defendant who has filed a satisfactory annual report may execute a stipulation with the Department similar to that offered by the above-named companies for dismissal.

IT IS FURTHER ORDERED that ACC National Long Distance Corp./Vista Int'l; ACOMM, Inc.; Advanced Management Svc., Inc.; Aliant Midwest, Inc.; American Telecommunications Enterprise, Inc.; Association Administrators, Inc.; Cable & Wireless Global Card Services, Inc.; Cox Nebraska Telcom, L.L.C.; Eastern Telecommunications, Inc.; Eclipse Communications Corporation; EQuality, Inc.; The Farm Bureau Connection/American Farm Bureau; GSTNET, Inc.; Hooper Telephone Long Distance/HTC Comm., Inc.; I-Link Communications, Inc.; ICG Telecom Group, Inc.; ICLD/Intercontinental Communications Group, Inc.; IDT Corporation; Intelnet International Corp.; KCI Long Distance, Inc.; LCI International Telecom Corp./Qwest; Level 3 Communications, LLC; Long Distance International, Inc.; Matrix Telecom, Inc.; Megsinet-CLEC, Inc.; Nebraska Technology & Telecomm., Inc. (NT&T); PNG Telecommunications, Inc.; PTT Telekom, Inc.; Peoples Telephone Company; SBR, Inc.; TRILOGY Telemanagement, LLC; U.S. Long Distance, Inc. (USLD); UniDial Communications, Inc.; VoCall Communications Corp.; and WorldPort Communications, Inc. be, and they are hereby, dismissed from the departmental complaint and need not appear at the August 3, 1999, hearing.

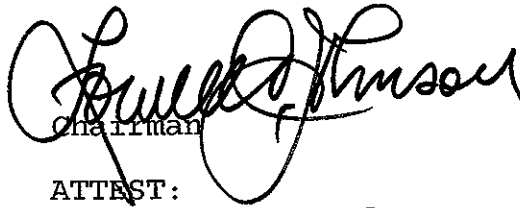
MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of June, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

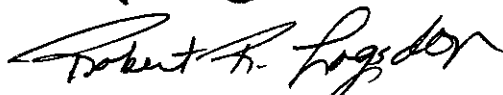
COMMISSIONER CONCURRING:




//s//Lowell C. Johnson



ATTEST:



Executive Director

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