

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-2052
the Nebraska Public Service Commis-) Departmental Complaint 30
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 (CLECs).) Entered: July 27, 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 February 10, 1999, and the second May 6, 1999.

The Commission, by order dated June 22, 1999, subsequently determined that a number of defendants had adequately complied with the provisions of Neb. Rev. Stat. sec. 86-807 and had satisfactorily submitted an annual report for the year 1998. Therefore, those defendants were dismissed from this complaint and are not required to appear before the Commission for a hearing on August 3, 1999.

The Commission finds that Intermedia Communications, Inc. has since notified the Commission that it has not yet begun local operations in Nebraska and, therefore, did not conduct any business in Nebraska during calendar year 1998. Intermedia Communications, Inc. should thus be administratively dismissed from the complaint.

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Intermedia Communications, Inc. has complied with the provisions of Neb. Rev. Stat. sec. 86-807 and has satisfactorily submitted an annual report for the year 1998; therefore, the defendant should 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 the defendant Long Distance Direct Holdings, Inc. who has not been dismissed from this complaint is to appear before the Commission for the scheduled public hearing on August 3, 1999, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

IT IS FURTHER ORDERED that Intermedia Communications, Inc. be, and it is hereby, dismissed from the departmental complaint and need not appear at the August 3, 1999, hearing.


MADE AND ENTERED at Lincoln, Nebraska, this 27th day of July, 1999.

COMMISSIONER CONCURRING:

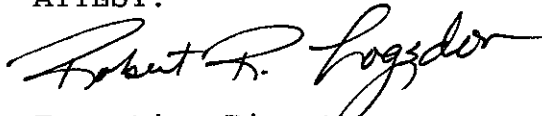



//s//Lowell C. Johnson
//a//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director