

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 and Set
ficates of public convenience and	)	For Hearing
necessity issued to the named defen-	)	
dants (CLECs).	)	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 February 10, 1999, and the second May 6, 1999.

The Commission finds that several of the defendants have since notified the Commission that they have not yet begun local operations in Nebraska and, therefore, did not conduct any business in Nebraska during calendar year 1998. The following defendants should thus be administratively dismissed from the complaint:

Eclipse Communications Corp.  
Paramount Wireless Comm. of Nebr.  
Quintelco, Inc.

Furthermore, AT&T has signed a stipulation with the Department wherein it admits to filing its report late and agrees to pay an administrative fine to dismiss the departmental complaint. The signed stipulation is satisfactory and AT&T should be dismissed from this complaint.

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AT&T should be aware that this Commission will not tolerate similar behavior in 2000 regarding the filing of the 1999 report. If its report is not postmarked on or before April 30, 2000, the option of resolving the complaint through a stipulation will be closely scrutinized. Any company that has 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

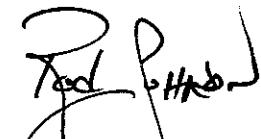
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a public hearing is set for August 3, 1999, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. The remaining defendants, Intermedia Communications, Inc. and Long Distance Direct Holdings, Inc., 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 company for dismissal.

IT IS FURTHER ORDERED that AT&T, Eclipse Communications Corp., Paramount Wireless Comm. of Nebr., and Quintelco, 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.

COMMISSIONER CONCURRING:



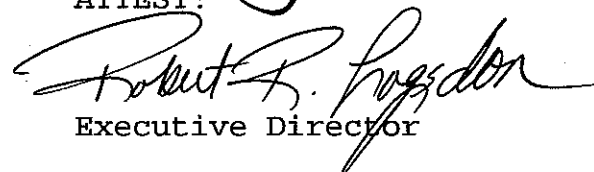
//s//Anne C. Boyle  
//s//Lowell C. Johnson

NEBRASKA PUBLIC SERVICE COMMISSION



Chairman

ATTEST:



Executive Director