

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application )Application No. C-2052  
of the Nebraska Public Service )Departmental Complaint No. 30  
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 (CLECs). )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 competitive local exchange carriers (CLECs) 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 lone defendant that did not reach a settlement with the Department. This defendant, Long Distance Direct Holdings, Inc., did not make 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 30<sup>th</sup> 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. Therefore, such parties were dismissed from the complaint in Commission orders entered on June 22, 1999, and July 27, 1999.

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Currently, one defendant remains a party to this docket. This defendant, Long Distance Direct Holdings, Inc., received from the Commission letters dated February 10, 1999, and May 6, 1999, which restated the annual report filing requirement and warned of possible fines and/or certificate revocation. The defendant was given the option of negotiating a settlement by submitting an annual report and signing a stipulation with the Department wherein they admit to filing their annual report late and agree to pay an administrative fine to dismiss the departmental complaint against them. The defendant was also sent copies of the original complaint, the June 22 order, and notice of the August 3 public hearing.

To this date, Long Distance Direct Holdings, Inc. has failed to file an annual report, has failed to negotiate a settlement, and failed to appear at the public hearing. Accordingly, we find the Certificate of Public Convenience and Necessity issued to Long Distance Direct Holdings, Inc. should be revoked. Should the defendant desire to provide local exchange service in Nebraska, an application meeting the Commission's requirements for local exchange service shall be filed.



O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity issued to Long Distance Direct Holdings, Inc. be, and it is 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