

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2292/DC-33
of the Nebraska Public Service)
Commission Communications)
Department seeking an order to)
cease and desist operations and) COMPLAINT DISMISSED IN PART
to revoke the certificates of) AND SET FOR HEARING
public convenience and necessity)
issued to the named defendants)
(IXCs).) Entered: August 1, 2000

BY THE COMMISSION:

The complaint in caption seeks an order revoking the intrastate operating authority of each of the defendants named in the Amended Petition filed in this matter. Said carriers failed to timely file an annual report pursuant to Neb. Rev. Stat. § 86-807 (Reissue 1999). A copy of the complaint was mailed to each defendant via certified mail.

The defendants are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et. seq. (Reissue 1996) and 86-801 to 86-811 (Reissue 1999). Defendants are also governed by Title 291, NAC Ch. 5 of the Commissions Rules and Regulations.

As part of its regulatory authority and pursuant to §86-807, the Commission, through its Communications Department (Department), requires telecommunications companies which file an annual report with a federal agency to file a copy of the same report with the Commission on or before the date on which said report is filed with the federal agency. Every such company not required to file such a report with a federal agency is required to file an annual report with the Commission in a form prescribed by the Commission on or before April 30th of each year.

On or before June 14, 2000, several defendants agreed to a stipulation with the Commission or were otherwise administratively dismissed from the complaint.

Since that time, a number of additional defendants have signed similar stipulations with the Department wherein each defendant admits to filing its report late and agrees to pay an administrative fine in order to be dismissed from the departmental complaint. The signed stipulations are satisfactory and therefore the following defendants should be dismissed from the complaint:

Evercom Systems, Inc.
Feist Long Distance, Inc.
Protel Advantage, Inc.
National Accounts, Inc.
US South Communications, Inc., dba US South and INCOMM
US Wats, Inc.

USP Communications
Williams Communications, Inc.
WorldPort Communications, Inc.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2001 regarding the filing of the 2000 report. If reports are not postmarked on or before April 30, 2001, 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. §86-807 (Reissue 1999) and have satisfactorily remitted an annual report for the year 1999; therefore, said defendants should all be dismissed from this complaint and should not be required to appear at hearing.

Furthermore, America One Communications, Inc., Cable & Wireless Global Markets, Inc. and Facilicom International, LLC will be dismissed because their certificates have been canceled. In addition, Winstar Wireless, Inc. and Intercontinental Communications Group, Inc., dba Fusion Telecom, dba Fusion-Trucker Phone were inadvertently included in the complaint as the result of reporting errors and accordingly will be administratively dismissed. Therefore, as the above defendants will be dismissed from this complaint, they are not required to appear at hearing.

As all remaining defendants in this docket have failed to comply with Commission requirements, they are hereby ordered to appear at a hearing to show cause why their certificates of authority should not be revoked. The hearing in this matter shall be set for August 22, 2000, at 1:30 p.m. CDT in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Evercom Systems, Inc.; Feist Long Distance, Inc.; Protel Advantage, Inc.; National Accounts, Inc.; US South Communications, Inc., dba, US South, and INCOMM; US Wats, Inc.; USP Communications; Williams Communications, Inc.; WorldPort Communications, Inc.; America One Communications, Inc.; Cable & Wireless Global Markets, Inc.; Facilicom International, LLC; Winstar Wireless, Inc. and Intercontinental Communications Group, Inc., dba Fusion Telecom, dba Fusion-Trucker Phone should be, and they are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that a public hearing in this matter shall be set for August 22, 2000, at 1:30 p.m. CDT 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 of the public
hearing.

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

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of August,
2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

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