

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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 ) ORDER OPENING DOCKET  
cease and desist operations and ) AND DISMISSING THE COMPLAINT  
to revoke the certificates of ) IN PART  
public convenience and necessity )  
issued to the named defendants )  
(IXCs). ) Entered: May 24, 2000

BY THE COMMISSION:

The complaint in caption seeks an order revoking the intra-state 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 Amended Petition and a copy of this order shall be 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.

In its original Petition To Revoke Operating Authorities and Cease and Desist Operations in Nebraska dated May 16, 2000, the Communications Department inadvertently included Budget Call Long Distance, Inc.; CenturyTel Telecommunications, Inc.; Frontier Communications International, Inc.; Allnet Communications Services, dba Frontier Communications Services; LDM Systems, Inc.; RSL PrimeCall, Inc. and Frontier Communications of the West, Inc. as carriers that had failed to timely submit an annual report. However, upon further review, said companies were found to have timely filed their annual reports, and therefore should not have been included within this complaint.

In addition, a number of carriers were originally inadvertently omitted from the original petition. Therefore, ACC National Long Distance Co; Cable & Wireless Global Card Services, Inc.; Eastern Telecommunications, Inc. and US WATS, INC. were included in the Amended Petition and are hereby made party to this docket. As a result, the Amended Petition's caption now reflects the correct parties to this docket.

Prior to the entry of this order, three carriers filed signed stipulations 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 therefore DSLnet Communications, LLC; KMC Telecom IV, Inc. (f/k/a KMC Telecom III) and FirstTel, Inc. should be dismissed from the complaint.

None of the remaining defendants filed the required proper and complete annual reports for 1999 as of April 30, 2000. Each company was notified by the staff by first class mail, January 11, 2000, that the annual report was due. None of the defendants responded by April 30, 2000, with a report which satisfies the Commission's requirements.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that DSLnet Communications, LLC; KMC Telecom IV, Inc. (f/k/a KMC Telecom III) and FirstTel, Inc. be, and they are hereby, dismissed from the departmental complaint.


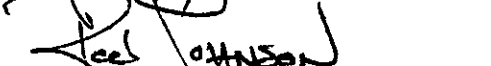
IT IS FURTHER ORDERED that any defendant who has subsequently filed a satisfactory annual report may execute a stipulation with the Department similar to that offered to the above-named companies for dismissal.

IT IS FINALLY ORDERED that a copy of the Amended Petition and a copy of this order shall be mailed to each defendant via certified mail.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of May, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION


COMMISSIONERS CONCURRING:

//s//Anne C. Boyle  
 //s//Frank E. Landis  
 //s//Daniel G. Urwiller

  
 Chairman

ATTEST:

  
 Executive Director