

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 SUSTAINED IN PART
Public Convenience and Necessity)
issued to the named defendants)
(IXCs).) Entered: September 6, 2000

BY THE COMMISSION:

By original petition dated May 17, 2000, and amended petition dated May 24, 2000, the Communications Department (Department) of the Nebraska Public Service Commission initiated 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. §86-807 (Reissue 1999). All interexchange carriers (IXCs) 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 17, 2000. A hearing was held August 22, 2000, in the Commission Hearing Room, Lincoln, Nebraska, for the defendants who did not reach a settlement with the department. Other than Promise-Net International, no defendant made 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. §§ 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.

The defendants originally named in the complaint failed to comply with the mandates of §86-807. Therefore, this Commission, pursuant to the legislative authority granted in §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 §86-807 and had satisfactorily submitted an annual report for the year 1999. Therefore, such parties were dismissed from the complaint in Commission orders entered on May 24, 2000; June 14, 2000; and August 1, 2000.

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 to be dismissed from the departmental complaint. The signed stipulations are satisfactory and therefore the following defendants should be dismissed from the complaint:

Access One, Inc.
Cable & Wireless Global Card Services
Claricom Networks, Inc. d/b/a Staples Communications
International Exchange Communications, Inc. d/b/a IE Com
LCI International Telecom Corp. d/b/a Qwest Communications
Services
Phoenix Network, Inc.
Promise-Net International, Ltd.
Qwest Communications Corp.
RDST, Inc.
TelTrust Communications Services, Inc.
U.S. Long Distance, 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.

All defendants received from the Commission letters dated January 10, 2000, and April 10, 2000, which restated the annual report filing requirement and warned of possible fines and/or certificate revocation. The defendants were given the option of negotiating a settlement by submitting an annual report and signing a stipulation with the Department wherein each defendant admits to filing their annual report late and agrees to pay an administrative fine to dismiss the departmental complaint against them. The defendants were also sent copies of the original complaint, the June 10, 2000, order, and notice of the August 22, 2000, public hearing.

Nonetheless, only one carrier, Promise-Net International, Ltd., made an appearance at the public hearing to show cause as to why their certificates of authority should not be revoked. Accordingly, the Certificates of Public Convenience and Necessity issued to the following defendants should be revoked for failure to comply:

Atcall, Inc.
Buyers United International, Inc.
Colorado River Communications Corp.
Dakota Cooperative Telecommunications, Inc.
EqualNet Corporation
Federal Transtel, Inc.
Global Time, Inc.
Home Owners Long Distance
Inacom Communications, Inc.
Intelicom International Corp.
Legends Communications, Inc.
Coleman Enterprises, Inc. Local Long Distance
Maxxis Communications, Inc.
Parcel Consultants, Inc. dba Minimum Rate Pricing
NOR Communications, Inc.
New Media Telecommunications, Inc.
Preferred Carrier Services, Inc.
Speer Communications Virtual Media, Inc.

We note that the certificate of En.able, LLC, the final defendant named in this docket, was previously withdrawn in Application No. C-2074.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Access One, Inc.; Cable & Wireless Global Card Services; Claricom Networks, Inc., d/b/a Staples Communications; International Exchange Communications, Inc., d/b/a IE Com; LCI International Telecom Corp., d/b/a Qwest Communications Services; Phoenix Network, Inc.; Promise-Net International, Ltd.; Qwest Communications Corp.; RDST, Inc.; TelTrust Communications Services, Inc.; U.S. Long Distance, Inc. and En.able, LLC be, and they are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to Atcall, Inc.; Buyers United International, Inc.; Colorado River Communications Corp.; Dakota Cooperative Telecommunications, Inc.; EqualNet Corporation; Federal Transtel, Inc.; Global Time, Inc.; Home Owners Long Distance; Inacom Communications, Inc.; Intelicom International Corp.; Legends Communications, Inc.; Coleman Enterprises, Inc. Local Long Distance; Maxxis Communications, Inc.; Parcel Consultants, Inc., dba Minimum Rate Pricing; NOR Communications, Inc.; New Media Telecommunications, Inc.; Preferred Carrier Services, Inc. and Speer Communications Virtual Media, Inc. are hereby revoked.

IT IS FURTHER ORDERED that the defendants revoked herein shall cease and desist providing service in the state of Nebraska within 60 days from the date of this order. Furthermore, said carriers shall give at least 30 days notice of discontinuance of service to their customers and reimburse said customers for any necessary switching charges.

IT IS FINALLY ORDERED that this docket be, and it is hereby,

closed.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of
September, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

This document was created with Win2PDF available at <http://www.daneprairie.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.