

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint)	Application No. C-2293/DC-34
of Maurice Gene Hand, Director of)	
the Nebraska Public Service)	
Commission Communications)	
Department,)	
)	
Complainant,)	
)	
vs.)	AMENDED PETITION TO REVOKE
)	OPERATING AUTHORITIES
DSLnet Communications, Inc.;)	AND CEASE AND DESIST
Houlton Enterprises, Inc., dba)	OPERATIONS IN NEBRASKA
EZ Phone Connections;)	
FirstTel, Inc.,)	
)	
Defendants.)	

The Communications Department of the Nebraska Public Service Commission (Commission), by and through its Director, Maurice Gene Hand, alleges that:

1. The above-mentioned 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.

2. As part of its regulatory authority and pursuant to §86-807, the Commission, through its Communications 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.

3. In its original Petition To Revoke Operating Authorities and Cease and Desist Operations in Nebraska dated May 16, 2000, the Communications Department inadvertently included Level 3 Communications as a carrier that had failed to timely submit its annual report. However, upon further review, Level 3 Communications was found to have, in fact, timely filed its annual report for its local authority. Therefore, they should not be included within this complaint, and as a result, the amended caption now reflects the correct parties to this docket.

4. 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.

5. Based on the failure of the defendants to file the required annual reports by April 30, 2000, and each defendant's disregard of the requests to do so, each defendant's certificate of authority should be revoked and each defendant should be ordered to cease and desist operations in Nebraska.

WHEREFORE, the complainant prays that this Commission set this matter for hearing and revoke each certificate of authority previously issued to the above-named defendants.

DATED this 24th day of May, 2000.

MAURICE GENE HAND, Complainant

BY _____
Chris Post, #21314
Attorney for Complainant
300 The Atrium, 1200 N Street
P.O. Box 94927
Lincoln, Nebraska 68508
(402) 471-3101

VERIFICATION

STATE OF NEBRASKA)
) ss.

COUNTY OF LANCASTER)

Chris A. Post, being first duly sworn, deposes and says that he is Legal Counsel for the Communications Department of the Nebraska Public Service Commission; that he is the Attorney for the Complainant in the foregoing complaint; that he has read the allegations contained therein and understands them to be true to the best of his knowledge and belief.

Chris A. Post,
Attorney for the Complainant

SUBSCRIBED AND SWORN to before me this ____ day of May, 2000.

Notary Public

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.