

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint)	Application No. C-2734/DC-38
of Maurice Gene Hand, Director,)	
Communications Department of the)	
Nebraska Public Service)	PETITION SEEKING AN ORDER
Commission,)	TO CEASE AND DESIST
Complainant,)	
vs.)	
)	
Access One, Inc.,)	
Defendant.)	Entered: May 14, 2002

COMES NOW, Maurice Gene Hand (Complainant), Director of the Communications Department of the Nebraska Public Service Commission for Complaint against Access One, Inc., (Defendant) of Chicago, Illinois, and alleges the following:

1. Complainant, Maurice Gene Hand is the Director of the Communications Department of the Nebraska Public Service Commission.
2. Defendant, Access One, Inc. is a privately-held Illinois corporation, which applied for and received a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services by the Commission in Application No. C-2134.
3. Jurisdiction of this action is proper pursuant to Neb. Rev. Stat. §§ 75-109, 75-132, 75-133 and 75-604.
4. On November 6, 2001, in Application No. C-2540 (revocation order), upon notice and hearing the Commission revoked the Certificates of Public Convenience and Necessity (Certificate) for a number of interexchange carriers including Defendant for failing to file an annual report.

5. In that revocation order, the Commission gave notice to all named defendants that they must cease and desist providing telecommunications services within 60 days from said order.
6. Defendant's Certificate of Public Convenience and Necessity was revoked on November 6, 2001, and Defendant was given 60 days from the date of entry of the Commission's order to cease operations.
7. Complainant alleges that Defendant received such notice that its Certificate was in jeopardy in Application No. C-2540 and the Commission order revoking Defendant's Certificate.
8. On March 15, 2002, Defendant filed with the Nebraska Universal Service Fund Department of the Commission, a remittance worksheet indicating that it had received intrastate retail revenues from telecommunications operations in Nebraska during the month of February.
9. On April 9, 2002, Commission counsel sent a letter to the Defendant advising said Defendant that it no longer had a valid Certificate to provide telecommunications services within the state of Nebraska. The April 9, 2002, letter demanded an explanation from Defendant within 30 days as to why it was still operating within the state of Nebraska.
10. To date, no adequate response has been filed by Defendant.

11. Without note or explanation, on April 19, 2002, Defendant submitted an annual report for telecommunications services provided during the 2001 calendar year.
12. Complainant avers that Defendant has acted and is currently acting in violation of Commission order entered on November 6, 2001, in Application No. C-2540 and in violation of Neb. Rev. Stat. § 75-604.

WHEREFORE Complainant prays that this Commission convene a hearing on the foregoing petition and (1) enter an order requiring Defendant to cease and desist providing intrastate telecommunications services and, in the alternative, (2) that the Commission enter an order levying an administrative penalty against the Defendant pursuant to Neb. Rev. Stat. § 75-156. Complainant further prays for any other relief the Commission deems appropriate in accordance with the it's jurisdiction and state law.

RESPECTFULLY SUBMITTED,

Maurice Gene Hand, Director
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing PETITION FOR ORDER TO CEASE AND DESIST was sent by registered certified mail to the defendant Access One, Inc., 820 West Jackson Blvd, 6th floor, Chicago, Illinois 60607 on this 14th day of May, 2002.

Shanicee Knutson

N O T I C E

1. Pursuant to Neb. Admin. R. & Regs., tit. 291, ch. 1, rule 005.09, the Respondent is hereby notified that an answer to this complaint shall be filed with the Nebraska Public Service Commission at 300 The Atrium, 1200 N Street, P.O. Box 94927, Lincoln, Nebraska 68509. The answer shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses, which the Respondent may assert. The answer shall be filed with the Commission within 20 days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint.
2. Failure to file an answer or to appear at the hearing allows the Commission to: (a) immediately enter an order assessing a civil penalty as provided by law; or (b) to proceed with the hearing and receive evidence of the alleged violation and to assess a civil penalty as provided by law.
3. Upon failure to pay any civil penalty determined by the Commission, such civil penalty unpaid shall constitute a debt to the State of Nebraska and be collectible by civil action in the District Court of Lancaster County, Nebraska.