

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska                    ) Docket No. C-2969/DC-63  
Public Service Commission                    )  
Communications Department                    )  
seeking an order to cease and                ) DOCKET CLOSED  
desist operations and to revoke                )  
the certificates of public                    )  
convenience and necessity issued            )  
to the named defendants.                    ) Entered: December 2, 2003

BY THE COMMISSION:

By petition dated June 25, 2003, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) opened this docket requesting the Commission to revoke the operating authority of various defendants for failure to file annual reports pursuant to Neb. Rev. Stat. § 75-101, et seq. (2002 Cum. Supp.) All interexchange carriers (IXCs) and competitive local exchange carriers (CLECs) who had not filed annual reports with the Commission were named as defendants in this docket. Notice of this docket was sent to all affected parties on July 9, 2003, via certified mail. A hearing was held on October 15, 2003, in the Commission Hearing Room, Lincoln, Nebraska, for the defendants who did not reach a settlement with the Department. No defendants made an appearance at the hearing. On October 15, 2003, an order was entered by the Commission revoking the operating authority of those defendants who failed to comply with the requirements pursuant to Neb. Rev. Stat. §§ 75-101, et. seq. (2002 Cum. Supp.) and 86-801 et. Seq. (2002 Cum. Supp.)

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. (2002 Cum. Supp.) and 86-801 et seq. (2002 Cum. Supp.) Defendants are also governed by Title 291, NAC Ch. 5 of the Commission's Rules and Regulations.

As part of its regulatory authority and pursuant to Neb. Rev. Stat. § 86-159, 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 30 of each year.

The defendants originally named in the complaint failed to comply with the mandates of Neb. Rev. Stat. § 86-159. There-

fore, this Commission, pursuant to its legislative authority, 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 Neb. Rev. Stat. § 86-159 and had satisfactorily submitted an annual report for the year 2002. Therefore, such parties were dismissed from the complaint in Commission orders entered on August 19, 2003 and September 9, 2003, and November 4, 2003. Additionally, several carriers had their operating authority in Nebraska revoked on November 4, 2003. As all of the outstanding issues have been addressed, the Commission is of the opinion that this docket should be closed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Docket No. C-2969/DC-63, be, and is hereby, closed.

MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of December, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director