

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 desist) COMPLAINT DISMISSED IN PART
operations and to revoke the) AND HEARING SET
certificates of public convenience)
and necessity issued to the)
named defendants.) Entered: September 9, 2003

BY THE COMMISSION:

The complaint in caption seeks an order revoking the operating authority of each of the defendants named in the petition filed in this matter. Said carriers failed to timely file an annual report pursuant to Neb. Rev. Stat. § 86-159 (2002 Cum. Supp.) A copy of the complaint was mailed to each defendant via certified mail.

The defendants are interexchange (IXC) and local exchange (Local) 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 § 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 30th of each year.

On or before August 19, 2003, several defendants agreed to a stipulation with the Commission or were otherwise administratively dismissed from the complaint.

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

New Century Telecom, Inc.
Association Administrators, Inc.
CityNet Telecom, Inc.
KMC Data, LLC (IXC and Local)
AmeriVision Communications, Inc.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in the year 2003, regarding the filing of the 2003 report. If reports are not postmarked on or before April 30, 2004, 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.

The above-named defendants have complied with the provisions of Neb. Rev. Stat. § 86-159 (2002 Cum. Supp.) and have satisfactorily remitted an annual report for the year 2002; therefore, said defendants should all be dismissed from this complaint.

Furthermore, the following companies will be dismissed administratively:

Univance Telecommunications, Inc.
Ex-Op of Missouri, Inc., d/b/a Unite (IXC and Local)

As all remaining defendants in this docket have failed to comply with Commission requirements, they are hereby, ordered to appear at a hearing to show cause why their certificates of authority should not be revoked. The hearing in this matter shall be set for October 15, 2003, at 11:00 a.m. CDT in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that New Century Telecom, Inc.; Association Administrators, Inc.; CityNet Telecom, Inc.; KMC Data, LLC (IXC and Local); AmeriVision Communications, Inc.; Univance Telecommunications, Inc.; and Ex-Op of Missouri, Inc., d/b/a Unite (IXC and Local) be, and they are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that a public hearing in this matter shall be set for October 15, 2003, at 11:00 a.m. CDT in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. All defendants who have not been dismissed from this complaint are to appear before the Commission for this public hearing.

IT IS FINALLY 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 in an effort to obtain dismissal.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of
September, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director