

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-2969/DC-63
Public Service Commission)
Communications Department)
seeking an order to cease and) COMPLAINT DISMISSED IN PART
desist operations and to revoke) AND SUSTAINED IN PART
the certificates of public)
convenience and necessity issued)
to the named defendants.) Entered: November 4, 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. 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.

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 Commissions Rules and Regulations.

As part of its regulatory authority and pursuant to Neb. Rev. Stat. § 86-801, 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. Therefore, 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.

Since that time, a number of additional defendants have signed similar stipulations with the Department, wherein each defendant admitted to filing its report late and agreed 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:

Reliant Communications, Inc. (IXC and Local)

WWC License, LLC (IXC)

Western CLEC Corporation (IXC and Local)

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in the year 2004 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 remaining defendants received a letter from the Commission dated February 4, 2003, 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 admitted to filing their annual report late and agreed to pay an administrative fine to dismiss the departmental complaint against them. The defendants were also sent copies of the original complaint, the June 25, 2003, order, and notice of the October 15, 2003, public hearing.

Nonetheless, no carriers 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:

Interexchange Carriers:

North American Telephone Network, LLC
ACSI Local Switched Services, Inc.
All-Star Acquisition Corporation)
Cable & Wireless Global Card Services, Inc.
Digital Telecommunications, Inc.
ePHONE Telecom, Inc.
Eastern Telecommunications, Inc.
Incomnet Communications Corporation
Kiger Telephone & Telephony, LLC
LD Exchange.com, Inc.
Logix Communications Corporation
Long Distance Billing Services, Inc.
Marathon Communications Corporation, dba Marathon USA
Maxcess, Inc.
Maxtel USA, Inc.
Network US, Inc.
QX Telecom, LLC
SBR, Inc.
SNET
Single Billing Services, Inc., dba Asian American Association
Telliss, L.L.C.
TON Services, Inc.
Telicor, Inc.
Telera Communications, Inc.
USP Communications
Vista Group International, Inc.
WorldPort Communications, Inc.
Zenex Long Distance, Inc.

Local Exchange Carriers:

Atlas Communications, Ltd.
Concert Communications Sales, LLC
Maxcess, Inc.
Telera Communications, Inc.
Telicor, Inc.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Reliant Communications, Inc. (IXC and Local); WWC License, LLC (IXC); and Western CLEC Corporation (IXC and Local), have satisfied the conditions of the complaint and are hereby, dismissed.

IT IS FURTHER ORDERED that the Certificates of Public Convenience issued to the defendants; North American Telephone Network, LLC; ACSI Local Switched Services, Inc.; All-Star

Acquisition Corporation; Cable & Wireless Global Card Services, Inc.; Digital Telecommunications, Inc.; ePHONE Telecom, Inc.; Eastern Telecommunications, Inc.; Incomnet Communications Corporation; Kiger Telephone & Telephony, LLC; LD Exchange.com, Inc.; Logix Communications Corporation; Long Distance Billing Services, Inc.; Marathon Communications Corporation, dba Marathon USA; Maxcess, Inc.; Maxtel USA, Inc.; Network US, Inc.; QX Telecom, LLC; SBR, Inc.; SNET; Single Billing Services, Inc., dba Asian American Association; Telliss, L.L.C.; TON Services, Inc.; Telicor, Inc.; Telera Communications, Inc.; USP Communications; Vista Group International, Inc.; WorldPort Communications, Inc.; Zenex Long Distance, Inc.; Atlas Communications, Ltd.; Concert Communications Sales, LLC; Maxcess, Inc.; Telera Communications, Inc.; Telicor, Inc., shall be, and they 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.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of November, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director