

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Docket No. C-3213/DC-67
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 14, 2004

BY THE COMMISSION:

By petition dated June 8, 2004, 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. § 86-159 (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 appeared in The Daily Record, Omaha, Nebraska on June 9, 2004. Further notice of this hearing was sent to all interested parties on July 20, 2004. A hearing was held on September 28, 2004, 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 November 23, 2004, an order was entered by the Commission revoking the operating authority of those defendants who failed to comply with the requirements and dismissing other defendants pursuant to Neb. Rev. Stat. §§ 75-101, et seq. (2002 Cum. Supp.) and 86-101 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 86-101 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 petition 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 2003. Therefore such parties were dismissed from the complaint in Commission orders entered on July 7 and 20, 2004, August 3 and 24, 2004, and September 21, 2004.

On December 6, 2004, NUI Telecom submitted a signed stipulation and the agreed fine amount and is now eligible to reapply for a certificate of public convenience and necessity. Since that time, no other defendants have taken any steps to satisfy their reporting requirements. 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-3213/DC-67, be, and is hereby, closed.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of December, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director