

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Public) Application No. C-3213/
Service Commission Communica-) DC-67
tions Department, seeking an)
order to cease and desist)
operations and to revoke the) ORDER OPENING DOCKET
Certificates of Public Conveni-)
ence and Necessity issued to the)
named defendants.) Entered: June 8, 2004

BY THE COMMISSION:

The complaint in the above-mentioned 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 petition and a copy of this order shall be mailed to each defendant via certified mail.

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 Chapter 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 (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.

None of the defendants named in the petition filed the required proper and complete annual reports for the year 2003 as of April 30, 2004. Each interexchange carrier and local exchange carrier was notified by the staff by first class mail, that the annual report was due on January 28, 2004 and March 23, 2004. None of the defendants responded by April 30, 2004, with a report, which satisfies the Commission's requirements.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that any defendant who has subsequently filed a satisfactory annual report may execute a stipulation with the department.

IT IS FURTHER ORDERED that a copy of the petition and a copy of this order shall be mailed to each defendant via certified mail.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of June, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell G. Hansen

Frank E. Landis

Rod Johnson

/s/ Frank E. Landis

/s/ Gerald L. Vap

Chairman

Gerald L. Vap

ATTEST:

And J. Pollock

Executive Director