

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint of) Docket No. C-3757/DC-74
Maurice Gene Hand, Director of the)
Nebraska Public Service Commission)
Communications Department,)
Complainant,)
vs.) COMPLAINT SEEKING TO REVOKE
OPERATING AUTHORITIES AND
CEASE AND DESIST
OPERATIONS IN NEBRASKA
Interexchange Carriers:)
Airnex Communications, Inc.)
AmeriVon LLC)
Budget Phone, Inc.)
Convergia, Inc.)
Dalton Telecommunications, Inc.)
Easton Telecom Service, L.L.C.)
Electric Lightwave, L.L.C.)
Encartele, Inc.)
Integra Telecom of Nebraska, Inc.)
Startec Global Licensing Company)
Telmex USA, LLC)
Local Exchange Carriers:)
Budget Phone, Inc.)
Integra Telecom of Nebraska, Inc.)
Trans National Communications)
International, Inc.)
Vanco Direct USA, LLC)
Defendants.) Entered: May 23, 2007

The Communications Department of the Nebraska Public Service Commission (Commission), by and through its Director, Maurice Gene Hand, states and alleges as follows:

1. The above-mentioned defendants are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et seq. (2004 Cum. Supp.) and 86-101 et. seq. (2004 Cum. Supp.). Defendants are also governed by Neb. Admin. Code Title 291, Ch. 5 of the Commission's Rules and Regulations.

2. 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.

3. The defendants failed to file one or more portions of the required proper and complete annual reports for the year 2006 as of April 30, 2007. Each company was notified by the staff by first class mail that the annual report was due and what was required to be filed: Interexchange carriers and local exchange carriers were both notified on January 31, 2007. Additionally, interexchange carriers and local exchange carriers were notified a second time on March 31, 2007. None of the defendants responded by April 30, 2007, with a report that satisfies the Commission's requirements.

4. Based on the failure of the defendants to file the required and complete annual reports by April 30, 2007, and each defendant's disregard of the requests to do so, civil penalties should be assessed against each defendant, each defendant's certificate of authority should be revoked and each defendant should be ordered to cease and desist operations in Nebraska.

5. An answer to this complaint shall be filed within twenty (20) days after service of the complaint and shall admit or deny each material allegation of the complaint.

6. Except for good cause shown, failure to answer the complaint will be construed as an admission of the allegations in the complaint.

WHEREFORE, the complainant prays that this Commission

- a. Serve a copy of this complaint on each defendant via certified mail;
- b. enter an order setting this matter for hearing;
- c. after hearing assess appropriate civil penalties; and
- d. revoke each certificate of authority previously issued to the above-named defendants.

DATED this 23rd day of May, 2007.

MAURICE GENE HAND, Complainant

BY_____

NEBRASKA PUBLIC SERVICE
COMMISSION
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(402) 471-3101

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

Maurice Gene Hand, being first duly sworn, deposes and says that he is Director for the Communications Department of the Nebraska Public Service Commission; that he is the complainant in the foregoing complaint; that he has read the allegations contained herein and understands them to be true to the best of his knowledge and belief.

—

Maurice Gene Hand

SUBSCRIBED AND SWORN to before me this 23rd day of May, 2007.

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Notary Public