

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Public Service Commission Communications Department, regarding the 2007 Annual Report filings.) Application No. C-3925/DC-75)
)
) COMPLAINT DISMISSED IN PART)
)
) Entered: July 1, 2008

BY THE COMMISSION:

By original complaint, dated May 20, 2008, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) initiated 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 (2006 Cum. Supp.) All companies who had not filed annual reports with the Commission or who had filed incomplete annual reports were named as defendants in this docket. A copy of the Complaint and the Order to Show Cause was mailed to each defendant via certified United States 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. (2006 Cum. Supp.) and §§ 86-101 et. seq. (2006 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, 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.

The companies listed below have signed a stipulation with the Department wherein each defendant admits to filing its report late and has agreed to pay an administrative fine to dismiss the departmental complaint:

Mobilitie, LLC
New Horizons Communications
Telrite Corporation
Working Assets Funding Service, Inc.
Frontier Communications of America, Inc.
Reliant Communications, Inc.

The signed stipulation is satisfactory and therefore, the above-listed defendants should be dismissed from the complaint.

In addition to the companies listed above, certain companies were included in the complaint due to administrative error or sufficiently complied with the filing requirements for the Annual Report for 2007. Those companies are:

GTE Midwest, Inc.

MCImetro Access Transmission Services, L.L.C.

Excel Telecommunications, Inc.

Therefore, the companies listed above should also be dismissed from the complaint.

The companies listed in the preceding paragraph that stipulated with the Department should be aware that this Commission will not tolerate similar behavior in 2009 regarding the filing of the 2008 report. If reports are not postmarked on or before April 30, 2009, 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 companies listed herein have complied with the provisions of § 86-159 and have satisfactorily remitted an annual report for the year 2007; therefore, said defendants should be dismissed from this complaint.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Mobilitie, LLC; New Horizons Communications; Telrite Corporation; Working Assets Funding Service, Inc.; Frontier Communications of America, Inc.; Reliant Communications, Inc.; GTE Midwest, Inc.; MCImetro Access Transmission Services, L.L.C.; and Excel Telecommunications, Inc., be, and are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that any defendant who subsequently files a satisfactory annual report may execute a stipulation with the department similar to that offered to the above-named company in an effort to obtain dismissal.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of July, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald V. Vap

Frank E. Landis

Tim Schram

//s// Anne C. Boyle

//s// Frank E. Landis

Anne C. Boyle

Chair

ATTEST:

Michael L. H.

Executive Director