

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint ) Application No. C-3925/DC-75  
of Maurice Gene Hand, Director )  
of the Nebraska Public Service )  
Commission Communications )  
Department, )

Complainant, )

vs. )

**Interexchange Carriers:** )

Cognigen Networks, Inc. )

Epixtar Communications Corp. )

GTE Midwest, Inc. )

MCImetro Access Transmission )  
Services, L.L.C. )

Mobilitie, LLC )

New Century Telecom, Inc. )

New Horizons Communications )

Telcentrex, LLC )

Telrite Corporation )

V-Global Communications, LLC )

Working Assets Funding )

Service, Inc. )

Yak Communications (America), )  
Inc. )

**Local Exchange Carriers:** )

Excel Telecommunications, Inc. )

Frontier Communications of )  
America, Inc. )

Mobilitie, LLC )

Reliant Communications, Inc. )

Telcentrex, LLC )

Respondents. )

COMPLAINT SEEKING TO REVOKE  
OPERATING AUTHORITIES AND  
CEASE AND DESIST OPERATIONS  
IN NEBRASKA

Entered: May 20, 2008

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 Respondents are 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.). Respondents 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. None of the Respondents filed the required annual reports for the year 2007 as of April 30, 2008. Each company was notified by the staff by first class mail that the annual report was due: Interexchange carriers and Local Exchange carriers were both notified on January 31, 2008. Additionally, Interexchange carriers and Local Exchange carriers were notified a second time on April 14, 2008. None of the Respondents responded by April 30, 2008, with a report that satisfies the Commission's requirements.

4. Based on the failure of the Respondents to file the required annual reports by April 30, 2008, and each Respondent's disregard of the requests to do so, civil penalties should be assessed against each Respondent, each Respondent's certificate of authority should be revoked and each Respondent 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 Respondent 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 Respondents.

DATED this 20th day of May, 2008.

BY \_\_\_\_\_  
MAURICE GENE HAND, Complainant  
NEBRASKA PUBLIC SERVICE COMMISSION  
300 The Atrium, 1200 N Street  
P.O. Box 94927  
Lincoln, NE 68508  
(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.

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Maurice Gene Hand

SUBSCRIBED AND SWORN to before me this 20th day of May, 2008.

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Notary Public