

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-4320/
Public Service Commission, on) NUSF-78
its own motion, to obtain)
compliance by Digital ISP Group,) ORDER TO SHOW CAUSE
Inc., with Nebraska statutes,)
Commission rules and orders.) Entered: December 7, 2010

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On June 26, 2007, the Nebraska Public Service Commission ("Commission") entered an order granting Digital ISP Group, Inc. ("Digital") authority to operate as a switchless, non-facilities based resale local exchange carrier and interexchange carrier of telecommunications services in the State of Nebraska. In its Order, the Commission stated that Digital was responsible for complying with all necessary statutes and Commission Rules and Regulations as they pertain to the Nebraska Universal Service Fund ("NUSF").¹

Digital is a telecommunications company regulated by the Commission, pursuant to *Neb. Rev. Stat. § 86-316 et seq.* (Reissue of 2008), and governed by Title 291, Neb. Admin. R. & Regs. Chapter 10 of the Commission's Rules and Regulations. Digital is a telecommunications company as defined by *Neb. Rev. Stat. § 86-322* (Reissue of 2008) and Title 291, Neb. Admin. R. & Regs. Chapter 10, Section 001.01W. Accordingly, the Commission's jurisdiction over Digital is proper.

Pursuant to Section 003.01A of Title 291, Neb. Admin. R. & Regs. Chapter 10, "Telecommunications companies shall remit the NUSF surcharge on a monthly basis to the NUSF except as provided in Rule 003.01B." Section 003.01B provides that a telecommunications company "whose assessable revenue is less than \$20,000 for a given fiscal year may remit on a quarterly basis to the NUSF." Companies are required under Section 003.02 to file remittance worksheets to the Nebraska Telecommunications Infrastructure & Public Safety (NTIPS) Department no later than the 15th day following the end of the remittance period. Companies are required under Section 003.03 to file remittance payments with the Nebraska State Treasurer no later than the 15th day following the end of the remittance period. To date, Digital has failed to file any NUSF remittance worksheets with

¹ Docket C-3802 *In the Matter of the Application of Digital ISP Group, Inc., Lincoln, seeking authority to operate as a local exchange and interexchange carrier of telecommunication services within the State of Nebraska*, Order (June 26, 2007).

the NTIPS Department or any remittance payments with the Nebraska State Treasurer.

In addition, pursuant to *Neb. Rev. Stat. § 86-313(4)* (Cum. Supp. 2010) and Section 010.06 of Title 291, Neb. Admin. R. & Regs. Chapter 5, telecommunications companies are required to collect the Nebraska Telecommunications Relay System ("TRS") surcharge from all subscribers every month. Section 010.07A requires companies to remit the TRS surcharge to the Communications Department no later than 30 days after the end of the month for which the surcharge was collected. Digital has failed to remit TRS surcharge worksheets and payments to the Communications Department for July 2010, August 2010, and September 2010.

Finally, *Neb. Rev. Stat. § 86-134* (Reissue of 2008) states that no local exchange and interexchange carrier may discontinue service within its service area unless the Commission finds that one or more carriers are furnishing comparable telecommunications services in the service area, the carrier has given its customers at least 30 days notice of the discontinuation of service, and the carrier reimburses its customers for any unused prepaid charges and service charges the customer incurs in obtaining service from another telecommunications company. Digital has discontinued providing telecommunications services to customers in Nebraska, and failed to comply with the requirements under § 86-314 before doing so.

Based on the above, the Commission finds that Digital should be ordered to show cause as to why civil penalties should not be assessed and its certificate of public convenience and necessity should not be revoked. Furthermore, the Commission finds that a hearing should be scheduled on this matter.

Digital is required to appear before the Commission at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska, on January 5, 2011, at 1:30 p.m. and show cause why the Commission should not impose civil penalties against it pursuant to *Neb. Rev. Stat. § 75-156* (Reissue of 2009) for failing to timely comply with the Commission rules and orders described herein, and why its certificate of public convenience and necessity should not be revoked.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920

(Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Digital ISP Group, Inc., be and is hereby ordered, to show cause why the Commission should not assess upon said company civil penalties and revoke its certificate of public convenience and necessity.

IT IS FURTHER ORDERED that said company appear before the Commission on January 5, 2011, at 1:30 p.m., in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska, for a hearing on this Show Cause Order.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of December, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-4320/NUSF-78

Page 3

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O R D E R

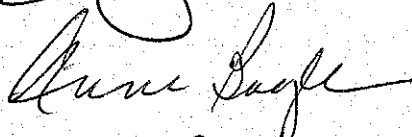
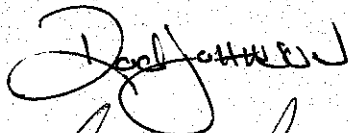
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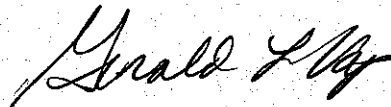
COMMISSIONERS CONCURRING:



//s// Frank E. Landis

//s// Gerald L. Vap

Chairman



ATTEST:



Executive Director