

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
Inc., with Nebraska statutes,)
Commission rules and orders.) Entered: March 8, 2011

BY THE COMMISSION:

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

On October 6, 2010, the Commission sent a letter to Digital regarding its discontinuation of service to customers in the State of Nebraska, informing Digital of the procedure to officially withdraw its Certificate of Public Convenience and Necessity as well as to file its delinquent NUSF and Telecommunications Relay Service (TRS) surcharge payments with the Commission. No response was received.

On December 7, 2010, the Commission entered an order requiring Digital to appear and Show Cause as to why civil penalties should not be imposed and why its Certificate of Public Convenience and Necessity should not be revoked. Notice of the hearing was published in The Daily Record, Omaha, Nebraska, on December 9, 2010. The hearing was held in the Commission Hearing Room in Lincoln, Nebraska, on January 5, 2011. Ms. Shana Knutson appeared on behalf of Commission staff. No appearances were made on behalf of Digital.

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

The Commission staff provided estimates to determine the amount of NUSF surcharge payments owed by Digital, based on an average of the number of Digital's access lines on file for the last fiscal year and an average of Digital's business and residential rates on file. Based on these averages, it was

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).

estimated that Digital owed approximately \$2,500.00 in NUSF remittances during the time period in which Digital began offering telecommunications service until the date of discontinuance. In addition, Digital owed \$16.00 in TRS remittances for July 2010, August 2010 and September 2010 remittance periods.

Additionally, the Commission staff raised an issue regarding available numbering resources assigned to Digital while it was doing business. In December 2007, Digital was assigned numbering resources from the North American Numbering Plan Administrator (NANPA). As of the hearing, Digital had not returned any unused numbers to NANPA. Mr. Gene Hand, Director of the Communications Department, stated that it is possible for the Commission to order Digital to return its numbers to the numbering administrator because the Commission has been delegated authority with numbering.

Based on the evidence provided, the Commission finds that the Certificate of Public Convenience and Necessity for Digital ISP Group, Inc. is hereby revoked. Digital had several opportunities to remedy the above-mentioned issues informally, and failed to do so. During the hearing, Commission staff sufficiently documented its attempts to work with Digital to resolve its compliance issues with no success. Additionally, Digital had the opportunity to discuss its current situation formally before the Commission and did not appear or respond in any way. Because Digital did not show cause as to why penalties should not be assessed and its Certificate revoked, the Commission hereby revokes Digital's Certificate of Public Convenience and Necessity effective immediately.

Furthermore, the Commission hereby orders Digital to remit outstanding NUSF payments in the amount of **\$2,500.00**, and outstanding TRS payments in the amount of **\$16.00** for July 2010, August 2010 and September 2010. Outstanding payments and worksheets must be submitted to the Commission within 30 days of this Order.

Finally, the Commission hereby orders Digital to return its available numbering resources to the NANPA immediately. The NANPA is hereby directed to begin the process of reclaiming any codes assigned to Digital and the Pooling Administrator (PA) to reclaim any blocks assigned to Digital. The Commission will work with NANPA and the PA to reclaim these resources, and will assist in the process of reincorporating these numbers into the numbering pool used by certificated carriers.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity for Digital ISP Group, Inc., be and is hereby, revoked.

IT IS FURTHER ORDERED that Digital ISP Group, Inc. remit outstanding NUSF payments to the Commission in the amount of **\$2,500.00** within 30 days of this Order.

IT IS FURTHER ORDERED that Digital ISP Group, Inc. remit outstanding TRS payments to the Commission in the amount of **\$16.00** within 30 days of this Order.

IT IS FINALLY ORDERED that Digital ISP Group, Inc. return all unused numbering resources to the North American Numbering Plan Administrator for reassignment.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of March, 2011.

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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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis

Rene Bayle
Gerald Hays

//s// Frank E. Landis
//s// Tim Schram

Tim Schram
Chairman

ATTEST:

Neil J. G. S.
Executive Director