

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Public     ) Application No. C-4467/DC-81  
Service Commission Communica-     )  
tions Department, on its own     ) COMPLAINT DISMISSED IN PART  
motion, regarding the 2011     )  
Annual Report filings.     )  
  ) Entered: July 17, 2012

BY THE COMMISSION:

By original complaint, dated May 16, 2012, 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 (Reissue of 2008). All companies who had not filed annual reports with the Commission or who had filed incomplete annual reports were named as respondents 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 respondents are interexchange (IXC) and local exchange (LEC) telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. § 75-101, et. seq. (Reissue of 2009) and §§ 86-101 et. seq. (Reissue of 2008). Respondents 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:

**Business Telecom, Inc (BTI)**  
**DeltaCom, Inc.**  
**STI Prepaid, LLC**  
**Global Crossing Telecommunications, Inc.**  
**XO Communications, LLC**

The signed stipulation is satisfactory and therefore, the above-listed respondents should 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 2013 regarding the filing of the 2012 report. If reports are not postmarked on or before April 30, 2013, 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.

In addition to the companies listed above, a certain company was included in the complaint due to administrative error. That company is:

**Dialaround Enterprises, Inc.**

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

The companies listed herein have complied with the provisions of § 86-159 and have satisfactorily remitted an annual report for the year 2011; therefore, said respondents should be dismissed from this complaint.

**O R D E R**

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that, Business Telecom, Inc (BTI); DeltaCom, Inc.; STI Prepaid, LLC; Global Crossing Telecommunications, Inc.; and Dialaround Enterprises, Inc., be, and are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that any respondent 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 17<sup>th</sup> day of July, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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MADE AND ENTERED at Lincoln, Nebraska, this 17<sup>th</sup> day of July, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Tim Schram*

Chairman

*Rod Johnson*

ATTEST:

*Phil R. KSO*

Executive Director

*Hane Boyle*  
*Guad Lopez*

//s// Rod Johnson