

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No.C-4602/DC-83
Public Service Commission)
regarding the 2012 Annual Report)
Filings.) ORDER SUSTAINING COMPLAINT
)
) Entered: August 20, 2013

BY THE COMMISSION:

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

By original complaints, dated May 13, 2013, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) initiated this docket requesting the Commission to revoke the operating authority of various respondents 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 respondent via certified United States mail.

A hearing was held on August 6, 2013, in the Commission Hearing Room, Lincoln, Nebraska, for any respondents who were not previously dismissed from the docket.

All Interexchange Carriers ("IXCs") and Competitive Local Exchange Carriers ("CLECs") were notified via electronic mail or United States mail on or around January 31, 2012, of their obligation to file an annual report on or before April 30, 2012. All CLECs and IXCs were also noticed via certified United States mail on or around March 1, 2012, of their obligation to file an annual report on or before April 30, 2012. All IXCs and CLECs were notified again via electronic mail or United States mail a second time on or around April 1, 2012. Copies of the letters were entered into the record as Exhibit No. 3. The Commission also took administrative notice of all previous orders entered in this docket dismissing certain defendants.

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 following respondents remain in the docket:

Covista, Inc.
IBFA Acquisition Company, LLC

The respondents are 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 Ch. 5 of the Commission's Rules and Regulations.

The respondents originally named in the petition failed to comply with the mandates of Neb. Rev. Stat. § 86-159. Therefore, this Commission, pursuant to its legislative authority, may administratively impose fines on all such companies after notice and public hearing and/or revoke the certificates of public convenience and necessity issued to the respondents.

The Commission subsequently determined that some respondents had adequately complied with the provisions of Neb. Rev. Stat. § 86-159 and had satisfactorily submitted an annual report for the year 2012. Therefore, such parties were dismissed from the complaint.

All respondents who contacted the Commission were given the option of negotiating a settlement by submitting an annual report and signing a stipulation with the Department, wherein each respondent admitted to filing their annual report late and agreed to pay an administrative fine to dismiss the departmental complaint against them.

The remaining respondents did not contact the Commission regarding the outstanding complaint. All respondents were notified of the hearing and were entitled to appear. No carriers made an appearance at the public hearing to show cause as to why administrative fines should not be assessed and their certificates of authority should not be revoked.

Accordingly, fines should be levied and the Certificates of Public Convenience and Necessity should be revoked from the following respondents:

Covista, Inc.
IBFA Acquisition Company, LLC

O R D E R

IT IS THEREFORE ORDERED that fines be levied consistent with the Commission approved fining policy calculated as of the date of the hearing against respondents Covista, Inc. and IBFA Acquisition Company, LLC.

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to the respondents Covista, Inc. and IBFA Acquisition Company, LLC, be, and are hereby, revoked.

IT IS FURTHER ORDERED that the respondents revoked herein shall cease and desist providing service in the State of Nebraska within 60 days from the date of this order. Furthermore, said carriers shall give at least 30 days notice of discontinuance of service to their customers and reimburse said customers from any charges associated with obtaining service from a different carrier.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of August, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

O R D E R

IT IS THEREFORE ORDERED that fines be levied consistent with the Commission approved fining policy calculated as of the date of the hearing against respondents Covista, Inc. and IBFA Acquisition Company, LLC.

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to the respondents Covista, Inc. and IBFA Acquisition Company, LLC, be, and are hereby, revoked.

IT IS FURTHER ORDERED that the respondents revoked herein shall cease and desist providing service in the State of Nebraska within 60 days from the date of this order. Furthermore, said carriers shall give at least 30 days notice of discontinuance of service to their customers and reimburse said customers from any charges associated with obtaining service from a different carrier.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of August, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Red Johnson

Gerald Lipp

Anne Boyle
Chair

ATTEST:

Syrene Meradith
Executive Director

//s//Anne C. Boyle
//s//Frank E. Landis