

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Public) Application No. C-4761/DC-87
Service Commission Communica-)
tions Department, on its own) ORDER SUSTAINING COMPLAINT
motion, regarding the 2014)
Annual Report filings.)
) Entered: August 18, 2015

BY THE COMMISSION:

By original complaint, dated May 11, 2015, 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 an Order to Show Cause entered by the Commission on May 12, 2015, were 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.

A hearing was held on July 28, 2015, in the Commission Hearing Room, Lincoln, Nebraska, for any respondents who were not previously dismissed from the docket.

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.

Each IXC and LEC was notified by the staff by email or first class mail on or about January 31, 2015, via certified mail on or about March 1, 2015, and by email or first class mail on or about April 4, 2015, that the annual report is due on April 30, 2015. The Commission also took administrative notice of all previous orders entered in this docket dismissing certain defendants.

The following respondent remains in the docket:

Yestel USA, Inc.

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.

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 respondent did not contact the Commission regarding the outstanding complaint. Numerous attempts were made to contact the respondent by staff regarding the outstanding report and complaint. The respondent was notified of the hearing and was entitled to appear. No representative of the remaining respondent made an appearance at the public hearing to show cause as to why administrative fines should not be assessed and its certificate of authority should not be revoked.

Accordingly, a fine should be levied and the Certificate of Public Convenience and Necessity should be revoked from **Yestel USA, Inc.**

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a fine be levied consistent with the Commission approved fining policy calculated as of the date of the hearing against respondent **Yestel USA, Inc. (IXC)**.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity issued to the respondent **Yestel USA, Inc. (IXC)**, be, and are hereby, revoked.

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

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of August, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram
Crystal Guadalupe
Rod Johnson

//s//Frank E. Landis
//s//Gerald L. Vap

Chairman

Gerald L. Vap

ATTEST:

Jeffrey L. Puley

Executive Director