

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska                    ) Application No. C-4924/DC-91  
Public Service Commission                    )  
Communications Department, on                ) COMPLAINT DISMISSED IN PART  
its own motion, regarding the                ) AND SUSTAINED IN PART  
2016 Annual Report filings.                 )  
  ) Entered: September 19, 2017

BY THE COMMISSION:

By original complaint, dated May 15, 2017, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) initiated this docket requesting the Commission to administratively fine and/or 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 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 August 22, 2017, 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 interexchange carrier and local exchange carrier was notified by the staff by email or first class mail on or about January 31, 2017, via certified mail on or about March 1, 2017, and by email or first class mail on or about April 4, 2017, that the annual report is due on April 30, 2016.

The following Respondents remain in the docket:

**Citistream Communications, Inc.**  
**Ionex Communications North Inc. d/b/a Birch Communications**  
**NECC Telecom, Inc.**  
**IDT America, Corp.**  
**Bluestem Fiber**

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 following companies signed stipulations with the Department wherein they admitted to filing their reports late and paid an administrative fine to dismiss the departmental complaint. The signed stipulations are satisfactory and therefore, the following companies should be dismissed from the complaint:

**IDT America, Corp.**  
**Bluestem Fiber**  
**Ionex Communications North Inc. d/b/a Birch Communications**

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

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

**Citistream Communications, Inc.**  
**NECC Telecom, Inc.**

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that **IDT America, Corp.; Ionex Communications North Inc. d/b/a Birch Communications; and Bluestem Fiber** be, and are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that fines be levied consistent with the Commission approved fining policy calculated as of the date of the hearing against Respondents **Citistream Communications, Inc. and NECC Telecom, Inc.**

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to the Respondents **Citistream Communications, Inc. and NECC Telecom, Inc.** 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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 19<sup>th</sup> day of September, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Mary Ridd*

*Crystal Knodes*

*Frank E. Landis*

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

*Tim Schram*  
Chairman

ATTEST:

*Michelle L. S.*  
Executive Director