

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska)	Application No. C-4983/DC-93
Public Service Commission)	
Communications Department,)	
on its own motion, regarding)	COMPLAINT DISMISSED, IN PART
the 2017 Annual Report)	
filings.)	
)	Entered: July 24, 2018

BY THE COMMISSION:

By original complaint dated May 14, 2018, 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 interexchange and local exchange telecommunications companies for failure to file annual reports pursuant to Neb. Rev. Stat. § 86-159. All such companies who had not filed annual reports with the Commission, who had filed incomplete annual reports, or who had not paid fines for filing their annual reports after the April 30th deadline 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 named in the complaint are interexchange (IXC) and local exchange (LEC) telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101 et. seq. and §§ 86-101 et. seq. Respondents are also governed by 291 Neb. Admin. Code, Chapter 5, of the Commission's Rules and Regulations. Each of the respondents was required to file a complete annual report and payment with the Commission before April 30th, 2018, but failed to do so despite repeated communications from Commission staff. On June 19, 2018, the Commission entered an order dismissing the majority of the respondents from the complaint based on their resolutions of their outstanding annual reports.

Since the date of the last order entered in this matter, **Ionex Communications North, LLC d/b/a Birch Communications** has signed a stipulation with the Department, admitting to filing both its IXC and its LEC reports after the April 30th deadline, and has paid an administrative fine in exchange for its dismissal from the departmental complaint.

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The Commission finds that the signed stipulation is satisfactory and therefore the above-listed respondent should be dismissed from the complaint.

The above-listed respondent to be dismissed from the Complaint pursuant to this Order, is hereby advised that this Commission will not tolerate similar behavior in 2019 regarding the filing of the company's 2018 annual report. If reports are not received by the Commission on or before April 30, 2018, 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 will be subject to additional penalties and/or administrative sanctions.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that **Ionex Communications North, LLC d/b/a Birch Communications** be, and hereby is, dismissed from the departmental complaint in Application No. C-4983/DC-93.

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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 24th day of July, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Capital Snodgrass
Ed [unclear]
Kim [unclear]

//s//Frank E. Landis
//s//Mary Ridder

Mary Ridder

Chair

ATTEST:

Theresa [unclear]

Executive Director