

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) ORDER APPROVING STIPULATION
the 2017 Annual Report) AND CLOSING DOCKET
filings.)
)
) Entered: September 11, 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 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.

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. Through orders dated June 19, 2018 and July 24, 2018, the Commission dismissed the majority of the respondents from the complaint based on their resolutions of their outstanding annual reports. The remaining respondent in the docket at the time of hearing was Lattice, Inc. (Respondent).

EVIDENCE

All parties to the above-captioned docket had an opportunity to review the orders issued in this docket and to conduct discovery. A hearing was held on August 14, 2018, in the Commission Hearing Room, Lincoln, Nebraska. Sallie Dietrich appeared on behalf of the Commission. Exhibits Nos. 1-9 were offered and accepted.

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Cullen Robbins, Director of the Commission's Communications and NUSF Department, presented oral testimony at the hearing. Mr. Robbins testified that the Department was in the process of negotiating a stipulation with the Respondent, pursuant to which the Respondent would be able to pay a fine and avoid having its operating authority revoked. Mr. Robbins further testified that if the Respondent filed a signed stipulation and fine by August 31, 2018, the Department's recommendation would be that the Commission allow the Respondent to be dismissed from the Complaint and retain its operating authority. The hearing was then closed.

On August 31, 2018, the Respondent filed with the Commission a signed stipulation and paid a fine for the agreed-upon amount. The Stipulation was signed by the Department Director and has been filed.

FINDINGS AND OPINION

The Commission finds that the signed stipulation is satisfactory and therefore the Respondent, **Lattice Inc.**, should be dismissed from the complaint.

The above-listed respondent to be dismissed from the Complaint pursuant to this Order, as well as all respondents previously listed in the Complaint whose annual reports were filed late, are hereby advised that this Commission will not tolerate similar behavior in 2019 regarding the filing of the companies' 2018 annual reports. If reports are not received by the Commission on or before April 30, 2019, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation under this docket will be considered a willful violator in the future and will be subject to additional penalties and/or administrative sanctions.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that **Lattice, Inc.** be, and hereby is, dismissed from the departmental complaint in Application No. C-4983/DC-93.

IT IS FURTHER ORDERED that those carriers who filed late reports named in the above-captioned docket be subject to additional penalties in 2019 if they file their 2018 annual reports after the required deadline. IXC and LEC carriers holding operating authority in Nebraska are hereby advised to file their annual

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reports for 2018 on or before April 30th, 2019, as required by Commission regulations.

IT IS FURTHER ORDERED that this docket be closed and the gathering of annual reports for 2017 be considered complete.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 11th day of September, 2018.

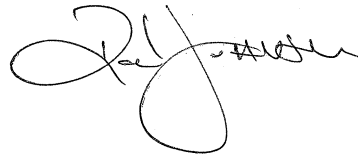
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Rod Johnson
//s//Frank E. Landis

Chair



ATTEST:



Executive Director