

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. NUSF-15/  
the Nebraska Public Service Commis- ) C-2108  
sion Universal Service Department ) DC-32  
seeking an order to cease and desist )  
operations and to revoke the Certi- ) ORDER TO SHOW CAUSE  
ficates of Public Convenience and )  
Necessity issued to the named )  
defendants. ) Entered: August 24, 1999

BY THE COMMISSION:

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

The complaint in caption seeks an order revoking the intra-state operating authority of each of the defendants for failing to file an access flow-through toll plan pursuant to Commission Order C-1628/NUSF Progression Order No.5, and in part, Neb. Rev. Stat. section 75-609(3) (1999 Slip Law).

The defendants named in caption are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stat. Sections 75-101 et. seq. (1998 Cum. Supp.), 86-801 to 86-811 (Reissue 1994) and 86-1401 to 86-1410 (1998 Cum. Supp.). Defendants are also governed by Title 291, NAC Chapters 1 and 5 of the Commission's Rules and Regulations.

As part of its regulatory authority pursuant to the Nebraska Telecommunications Universal Service Fund Act, the Commission, on September 15, 1997, entered an order in Docket No. C-1628 to investigate the structure of intrastate access charges and to establish the Nebraska Universal Service Fund. All certificated interexchange and local exchange carriers were named as parties in that docket and were mailed a copy of said order.

On March 9, 1999, the Commission entered Progression Order No. 5 in Docket No. C-1628/NUSF that required all interexchange carriers to file toll plans on or before August 1, 1999. Such plans were to demonstrate that the access reductions filed by local exchange carriers will be passed-through to end users as required by Neb. Rev. Stat. section 75-609(3). All interexchange companies were mailed a copy of this order on March 11, 1999.

On August 11, 1999, a letter was sent to all interexchange carriers informing them that several companies had failed to comply with the requirements set forth in Progression Order No. 5 in Docket No. C-1628/NUSF. Companies that had not filed a plan or filed a plan that was not satisfactory to the Commission were put on notice that they would be subject to revocation proceedings on August 23, 1999.

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The above-named defendants, having refused to comply with this Commission's order requiring the filing of an access flow-through toll plan, will be required to appear before the Commission for a hearing if the departmental complaint has not been satisfied within twenty days.

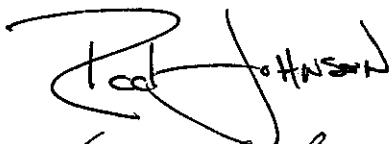
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-named defendants are hereby ordered to satisfy the departmental complaint within twenty days or show cause as to why their Certificates of Public Convenience and Necessity should not be revoked.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of August, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION:

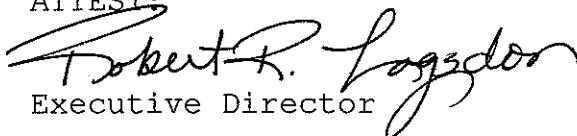
COMMISSIONERS CONCURRING:



//s//Lowell C. Johnson  
//s//Daniel G. Urwiller

  
Chairman

ATTEST:

  
Executive Director