

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. NUSF-23/  
of the Nebraska Public Service ) DC-36  
Commission Universal Service Fund )  
Department seeking an order to ) ORDER TO SHOW CAUSE  
show cause against Nebraska )  
Radio and Telephone Systems, Inc., )  
doing business as the Better )  
Beeper Company. ) Entered: July 11, 2001

BY THE COMMISSION:

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

The Nebraska Public Service Commission's Universal Service Fund Department seeks an order assessing civil penalties and an order to cease and desist against the above-named Respondent for failing to bill, collect and remit the surcharge pursuant to the Commission's order in NUSF-1 (March 21, 1999) and NUSF-4 (June 2, 1999, as affirmed) entered pursuant to Commission jurisdiction in Neb. Rev. Stat. §86-1401, et seq.

The Respondent named in the caption is a provider of intrastate telecommunications services including paging services and which may include certain cellular telephone services. As part of its regulatory authority pursuant to Neb. Rev. Stat. §86-1401, et seq., the Commission entered an order in NUSF-1 requiring all CMRS providers, including paging companies, to bill and collect the surcharge for the Nebraska Universal Service Fund. In NUSF-4 (June 2, 1999, as affirmed), the Commission entered an order setting the surcharge amount.

On March 23, 1999, the Commission sent a letter via certified mail, return receipt requested, to all telecommunications carriers, including the Respondent, who were offering intrastate services in the state of Nebraska informing them of their obligations to the Nebraska Universal Service Fund pursuant to Neb. Rev. Stat. §86-1401, et seq. The Director of the Nebraska Universal Service Fund further states that on or about April 30, 2001, written demand was made to the Respondent instructing it to comply with the orders of the Commission and remittance requests of the Nebraska Universal Service Fund Department.

The above-named Respondent, having refused to respond to Commission requests or comply with Commission orders will be required to appear before the Commission for a hearing if the departmental complaint has not been satisfied.

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O R D E R

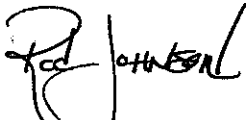
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a order to show cause be issued to Nebraska Radio and Telephone Systems, Inc., doing business as the Better Beeper Company and it is hereby ordered to satisfy the departmental complaint or show cause as to why the Commission should not assess an administrative penalty upon it and, or in the alternative, enter an order requiring Respondent to cease and desist providing intrastate telecommunications services within the state of Nebraska.

IT IS FURTHER ORDERED that a hearing on this order to show cause be set for August 28, at 1:30 p.m., in the Commission Hearing Room in the offices of the Commission, 1200 N Street, 300 The Atrium, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska this 11th day of July, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Frank E. Landis

  
Chairman

ATTEST:

  
Executive Director