

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. NUSF-32.07
on its own motion, seeking to)
conduct an inquiry into the)
failure of various companies to) ORDER AMENDING SHOW CAUSE
comply with Commission Rules or)
Orders and to impose)
administrative fines.) Entered: March 11, 2008

BY THE COMMISSION:

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

As part of its regulatory authority pursuant to the Nebraska Telecommunications Universal Service Fund Act¹ (the NUSF Act) the Commission has adopted requirements to verify the accuracy of Nebraska Universal Service Fund remittances. Pursuant to *Neb. Rev. Stat. § 86-324(2)(d)*, the Commission "shall require, as reasonably necessary, an annual audit of any telecommunications company to be performed by a third-party certified public accountant to insure the billing, collection, and remittance of a surcharge for universal service. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited."

Consistent with this statutory requirement, on April 10, 2007, the Commission entered an Order in Docket No. NUSF-33² adopting remittance audit requirements for all telecommunications carriers contributing to the Nebraska Universal Service Fund (NUSF). As required by Commission Order, remittance audits are to be performed by an independent third party, with audit results for a calendar year being due before the end of the next calendar year.

On February 26, 2008, the Commission initiated this Show Cause proceeding and listed companies who either failed to timely file a complete audit report or failed to file an audit report altogether. The Commission's order listed Telstra, Inc. among the companies. Upon further review, the Commission finds the Show Cause order should be dismissed as to Telstra, Inc. The remaining companies subject to the Show Cause Order are as follows:

¹ See *Neb. Rev. Stat. § 86-315 et seq.* (Cum. Supp. 2006).

² See NUSF- 33, *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund, Order* (April 10, 2007).

Entrix Telecom, Inc.
Gold Line Management, Inc.
LDMI Telecommunications, Inc.
Megapath, Inc., f/k/a Netifice Communications
My Tel Co, Inc., f/k/a Northstar Telecom, Inc.
OPEX Communications
Talk America, Inc.

The above-listed companies are required to appear before the Commission at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska on **May 13, 2008 at 1:30 p.m.** and show cause why it failed to timely comply with its April 10, 2007 Order in Docket No. NUSF-33 and, why the Commission should not impose administrative penalties against it pursuant to *Neb. Rev. Stat. § 75-156* (Cum. Supp. 2006) for failing to timely comply with the Commission rules and orders described herein.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-listed companies, be and are hereby ordered, to show cause why the Commission should not assess upon said companies administrative penalties for failure to timely comply with its Order entered in Docket No. NUSF-33 on April 10, 2007.

IT IS FURTHER ORDERED that said companies appear before the Commission on **May 13, 2008 at 1:30 p.m.**, in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska for a hearing on this Show Cause Order.

MADE AND ENTERED at Lincoln, Nebraska, this 11th day of March, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director