

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,     ) Application No. NUSF-32.08  
on its own motion, seeking to         )  
conduct an inquiry into the            )  
failure of various companies to        ) ORDER SUSTAINING SHOW CAUSE  
comply with Commission Rules or        )  
Orders and, to impose                   )  
administrative fines.                   ) Entered: March 2, 2010

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 Act<sup>1</sup> (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-33<sup>2</sup> which adopted 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 April 14, 2009, the Commission Ordered **Ionex Communications North, Inc.** (Ionex) to Show Cause why it should not be fined or have its authority revoked for filing its remittance audit after the extension due date granted by the Commission. On May 19, 2009, the Commission held a hearing on the Show Cause Order. Ionex did not enter an appearance. Based on the record in this proceeding, and the failure of Ionex to otherwise demonstrate that its delay in filing its remittance

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<sup>1</sup> See Neb. Rev. Stat. § 86-315 et seq. (Cum. Supp. 2008).

<sup>2</sup> 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).

audit was reasonable, the Commission hereby sustains the Show Cause Order and assesses Ionex an administrative penalty of Two Hundred and Eighty Dollars (\$280.00).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Order to Show Cause is sustained as provided herein.

IT IS FURTHER ORDERED that an administrative penalty in the amount of Two Hundred and Eighty Dollars (\$280.00) be assessed against Ionex Communications North, Inc. for filing its remittance audit after the extension deadline consistent with the findings above. Remittance of the penalty is due no later than thirty (30) days following the date of this Order.

MADE AND ENTERED at Lincoln, Nebraska, this 2<sup>nd</sup> day of March, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director