

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of)	Application No. NUSF-37.165
the Nebraska Universal Service)	
Fund Department of the Nebraska)	
Public Service Commission,)	
)	
Complainant,)	ORDER TO SHOW CAUSE
v.)	
)	
Charter-Fiberlink Nebraska,)	
Inc.,)	
Respondent(s).)	Entered: April 21, 2009

BY THE COMMISSION:

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

By Complaint dated June 10, 2008, Jeffrey L. Pursley, the then Director of the Nebraska Telecommunications Infrastructure and Public Safety Department ("NTIPS") Department of the Nebraska Public Service Commission ("Commission") (hereinafter "Complainant") filed a Complaint against Charter-Fiberlink Nebraska, Inc. (hereinafter "Respondent") alleging that Respondent failed to file the required remittance worksheets or remittance payments to the NTIPS Department by the 15th day following the end of the remittance period.

A copy of the Complaint was mailed to the Respondent, by certified mail, on June 20, 2008. A copy of this order shall be mailed to the Respondent via certified mail.

The Respondent is a telecommunications company regulated by the Commission, pursuant to Neb. Rev. Stat. § 86-316 et seq. (Reissue of 2008). The Respondent is also governed by Title 291, Neb. Admin. R. & Regs. Chapter 10 of the Commission's Rules and Regulations. The Respondent is a telecommunications company as defined by Neb. Rev. Stat. § 86-322 (Reissue of 2008) and Title 291, Neb. Admin. R. & Regs. Chapter 10, Section 001.01W.

As part of its regulatory authority and pursuant to Section 003.01A of Title 291, Neb. Admin. R. & Regs. Chapter 10, the Commission, through its NTIPS Department, requires telecommunications companies to remit the Nebraska Universal Service Fund ("NUSF") surcharge on a monthly basis to the NUSF. Companies whose assessable revenue is less than \$20,000 for a given fiscal year are given the option of remitting on a quarterly basis.

Sections 003.02 and 003.03 further provide that remittance worksheets shall be received by the NTIPS Department no later than

the 15th day following the end of a remittance period and all remittance payments must be transferred electronically to the Nebraska State Treasurer no later than the 15th day following the end of the remittance period.

To date, Respondent has failed to resolve the delinquency with the NTIPS Department. In consideration thereof, the Commission finds that the Respondent should be ordered to show cause as to why civil penalties should not be assessed and its certificate of public convenience and necessity should not be revoked. Furthermore, the Commission finds that a hearing should be scheduled on this matter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Charter-Fiberlink Nebraska, Inc. is ordered to show cause as to why civil penalties should not be assessed and its certificate of necessity and convenience should not be revoked for failure to respond to the complaint filed in the above-captioned docket by the NTIPS Department and for failure to resolve the delinquency with the NTIPS Department.

IT IS FURTHER ORDERED that a copy of this order shall be mailed to Charter-Fiberlink Nebraska, Inc. via certified mail.

IT IS FINALLY ORDERED that a hearing on this matter is scheduled for **May 19, 2009, at 2:00 p.m.** at the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of April, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director