

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Cullen Robbins, Director,	)	Application No. NUSF-37.351
Nebraska Universal Service Fund	)	
Department of the Nebraska	)	
Public Service Commission,	)	
	)	
Complainant,	)	ORDER OF
v.	)	DISMISSAL
	)	
Business Plus, Inc.,	)	
	)	
Respondent.	)	Filed: April 3, 2018

BY THE COMMISSION:

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

On March 6, 2018, the Nebraska Universal Service Fund ("NUSF") Department of the Nebraska Public Service Commission ("the Department") filed a Second Amended Complaint against Business Plus, Inc. (hereinafter "Respondent"), seeking to fine Respondent on the grounds that it failed to file required remittance worksheets and/or remittance payments as required by Nebraska statutes and regulations. See Neb. Rev. Stat. §§ 86-316 - 329 and 291 Neb. Admin. Code, Chapter 10. Specifically, the Complaint alleged that Respondent did not timely file its remittance payment and worksheet for the remittance periods of June, 2016; September, 2016; October, 2016; January, 2017; February, 2017; June, 2017; August, 2017; and December, 2017.

Since the Complaint in this matter was entered, the Department and the Respondent have been in communication to resolve these issues. After investigation into the matter, it is the belief and understanding of the Department that Respondent is not in fact providing telecommunications services as described by Neb. Rev. Stat. § 86-322 and 291 Neb. Admin. Code § 10-001.01. As such, Respondent is not required to collect the Nebraska Universal Service Fund (NUSF) surcharge, or remit such surcharge and accompanying worksheets to the Department. See 291 Neb. Admin. Code § 10-002.01. The Department therefore recommends that the Second Amended Complaint in this matter be dismissed.

Upon review of the facts of this case and applicable laws and regulations, the Commission finds that the dismissal of the Second Amended Complaint in this matter is appropriate.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

---




O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the cause of action filed against Business Plus, Inc. by the Nebraska Universal Service Fund Department is hereby dismissed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 3rd day of April, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

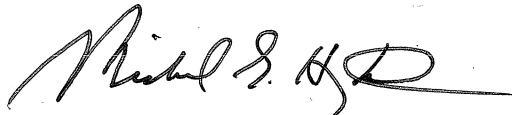
//s//Frank E. Landis

//s//Mary Ridder



Chair

ATTEST:



Executive Director