

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint                    ) Application No. NUSF-37.38  
of Jeffrey L. Pursley, Director                    )  
of the Nebraska Universal                            )  
Service Department of the                            )  
Nebraska Public Service                            )  
Commission,    )  
  ) ORDER SUSTAINING COMPLAINT  
  )  
  )  
  )  
vs.    )  
  )  
  )  
NUI Telecom, Inc.,                                    )  
  )  
  )  
Respondent(s).                                        ) Entered: March 22, 2005

BY THE COMMISSION:

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

On August 31, 2004 Jeffrey L. Pursley, Director of the Nebraska Universal Service Fund (NUSF) Department of the Nebraska Public Service Commission (Commission) (hereinafter "Complainant") filed a Complaint against NUI Telecom, Inc. (hereinafter "Respondent") alleging that Respondent failed to file the required remittance worksheets or remittance payments to the NUSF Department by the 15th day following the end of the remittance period for the July 2004 reporting period.

A copy of the Complaint was mailed to the Respondent, by certified mail, on September 9, 2004. On February 1, 2005, the Commission entered an Order setting this matter for hearing. A hearing was held in the Commission Hearing Room, Lincoln, Nebraska on March 8, 2005 at 1:00 p.m. Shana Knutson entered an appearance on behalf of the Commission staff. The Respondent failed to enter an appearance. Mr. Pursley, Director of the NUSF Department testified and recommended the Commission impose an administrative penalty upon the Respondent for the violations alleged in the Complaint and not answered by the Respondent. Commission counsel requested the Commission consider the gravity and severity of the offense along with the lack of the good faith shown by the Respondent in failing to appear and answer to the allegations.

Upon consideration of the arguments presented in this case the Commission finds Respondent has failed to resolve the delinquency with the NUSF Department. Respondent has violated Sections 3.02 and 3.03 of the Nebraska Universal Service Fund Rules provided in Neb. Admin. Code Title 291, Chapter 10. In

consideration thereof, the Commission is of the opinion and finds that the Complaint filed herein should be sustained and Respondent should be assessed a penalty in the amount of Five Hundred dollars and Nineteen cents (\$500.19) in administrative fines and should be required to pay a late handling fee in the amount of One Hundred dollars (\$100.00).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint filed against Respondent NUI Telecom, Inc. shall be and it is hereby sustained.

IT IS FURTHER ORDERED that Respondent pay an administrative fine in the amount of Five Hundred dollars and Nineteen cents (\$500.19) for the violations found herein.

IT IS FURTHER ORDERED that Respondent pay a late handling fee in the amount of One Hundred dollars (\$100.00).

IT IS FURTHER ORDERED that Respondent remit to the Nebraska Public Service Commission all adjudged penalties and fees within thirty (30) days from the date of this Order.

MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of March, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director