

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint            ) Application No. NUSF-37.59  
of Jeffrey L. Pursley, Director            )  
of the Nebraska Universal                    )  
Service Department of the                    )  
Nebraska Public Service                    )  
Commission,                                    )  
  ) DISMISSED  
  Complainant,                    )  
  )  
vs.    )  
  )  
  )  
Business Telecom, Inc.                        )  
  Respondent(s).                    )  
  ) Entered: December 6, 2005

BY THE COMMISSION:

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

On May 24, 2005, 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 Business 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.

A copy of the Complaint was mailed to Respondent, by certified mail, on June 10, 2005. Subsequently, Respondent signed a stipulation with the NUSF Director and paid the proposed administrative fine pursuant to the Commission's approved fine schedule. The NUSF Director and Respondent requested the Commission approve the stipulation and dismiss the Complaint. Upon review of the stipulation, the Commission is of the opinion and finds that it should be approved and the above-captioned Complaint should be dismissed. The Commission further finds the hearing scheduled on December 6, 2005 for this Complaint should be canceled.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation filed by Respondent shall be approved and the above-captioned Complaint is hereby dismissed.

IT IS FURTHER ORDERED that the hearing in Docket NUSF-37.59, be and is hereby canceled.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of December, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director