

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint) Application No. NUSF-37.66
of Jeffrey L. Pursley, Director)
of the Nebraska Universal)
Service Department of the)
Nebraska Public Service)
Commission,)
) ORDER SUSTAINING COMPLAINT
)
)
Complainant,)
)
vs.)
)
BullsEye Telecom, Inc.)
)
)
Respondent(s).) Entered: February 7, 2006

BY THE COMMISSION:

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

On August 9, 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 BullsEye 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. The complaint as amended on August 23, 2005, alleged that Respondent violated Neb. Admin. Code Title 291, Chapter 10, section 3.02 (Universal Service Fund Rules and Regulations) by failing to timely file its remittance worksheets for February, April, May, June, and July of 2005.

A copy of the Complaint was mailed to the Respondent, by certified mail, on August 16, 2005.

On October 18, 2005, the Commission entered an order setting a hearing on this complaint on December 6, 2005. On December 5, 2005, the Commission received a request for a continuance. On consideration of this request, the Commission continued the hearing until January 18, 2006. No appearance was entered by the Respondent at the hearing.

Upon consideration of the complaint filed in this case the Commission finds Respondent has failed to resolve the delinquency with the NUSF Department. Respondent has violated Section 3.02 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 complaint filed herein should be sustained and

Respondent should be assessed a penalty in the amount of One Thousand dollars (\$1,000.00) and a late-handling fee in the amount of Two Hundred and Fifty Dollars(\$250.00).

O R D E R

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

IT IS FURTHER ORDERED that Respondent pay an administrative fine in the amount of One Thousand dollars (\$1,000.00) for the violations found herein.

IT IS FURTHER ORDERED that Respondent pay a late handling fee in the amount of Two Hundred and Fifty dollars (\$250.00).

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 7th day of February, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director