

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Maurice Gene Hand, Director of) Complaint No. SC-004
the Communications Department of)
the Nebraska Public Service Com-)
mission,)
Complainant,) DISMISSED AS SATISFIED
vs.)
Lightyear Communications,)
Respondent.) Entered: August 26, 2003

BY THE COMMISSION:

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

This matter comes before the Nebraska Public Service Commission (Commission) upon Complaint by Maurice Gene Hand, Director of the Communications Department of the Commission against Lightyear Communications (Lightyear or Respondent) for violation of Neb. Rev. Stat. § 86-205 (2002 Cum. Supp.). An Answer to the Complaint was timely filed by Respondent on April 14, 2003. In its Complaint, Lightyear admitted to a violation Neb. Rev. Stat. § 86-205 claiming that such violation was accidental.

On July 30, 2003, the Complainant entered into a Stipulation for settlement and dismissal of the slamming complaint. The Stipulation provides that Respondent will remit an administrative penalty of Two Thousand Dollars (\$2,000.00) and would seek on its own to provide reasonable reimbursement to Dunrite for its reconnection charges.

Neb. Rev. Stat. § 86-209(2) provides that any administrative penalty assessed for violation of § 86-205 must be based upon (1) the nature and circumstances, extent and gravity of a prohibited act; (2) the history of previous violations; (3) the amount necessary to deter future violations; and (4) any efforts to correct the violation.

Upon consideration of all the information filed in the above-captioned proceeding, the absence of previous violations found on record against Respondent, and the efforts taken by Respondent to correct the violations, the Commission finds that the stipulation and settlement is reasonable and should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation filed by the parties in the above-captioned proceeding be, and it is hereby, approved.

IT IS FURTHER ORDERED that upon the receipt of the administrative penalty and upon a showing that attempts have been made to provide reasonable reimbursement to Dunrite for its reconnection charges, that this Complaint be dismissed as satisfied.

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of August, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director