BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

M. Gene Hand, Director, Communications Department, Nebraska Public Service Commission Complainant, vs. Business Network Communications, Cherry Hill, New Jersey Defendant.	Departmental Complaint No. 006 / Docket No. C-1079 ORDER TO CEASE AND DESIST Granted: August 16, 1994

APPEARANCES

For the Defendant:
None

For the Commission:
Deonne L. Niemack, Legal Counsel
Communications Department
300 The Atrium, 1200 N Street
Lincoln, NE 68059
(402) 471-3101

BY THE COMMISSION

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

Upon consideration of the complaint, the governing statutes and rules, the evidence adduced at the hearing, and being fully informed, the Commission is of the opinion and finds:

The petition in the caption above was filed by M. Gene Hand, Director of the Communications Department (the "Department") of the Nebraska Public Service Commission on June 3, 1994. The Department petitioned the Commission to enter an order demanding the defendant to cease and desist from operating in Nebraska.

Notice of the petition was served on the Defendant by first-class mail on June 7, 1994, and defendant received written notice of the hearing on July 21, 1994. A hearing was held in the Commission Hearing Room in Lincoln, Nebraska on August 9, 1994 with all Commissioners present.

On August 8, 1994, the defendant, through Mike Mammico, Controller, indicated to the Commission their willingness to become properly certificated in Nebraska. Accordingly, the Commission received a check from the defendant for fifty dollars ($50) on August 9, 1994, to be used towards an application filing fee. The application has not yet been received, but will be submitted in the near future.

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Regardless of receipt of the filing fee, until the defendant is properly certificated, the company cannot operate or conduct business in Nebraska. An answer was not filed with the Commission denying the allegations of the complaint; therefore, an order should be entered demanding the defendant cease and desist all opertions.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the departmental complaint filed against Business Network Services, Inc. in Docket No. C-1079 / Departmental Complaint No. 006 be, and it is hereby, sustained against the company on all counts.

IT IS FURTHER ORDERED that Business Network Services, Inc. cease and desist from operating in the state of Nebraska absent authority from the Commission.

MADE AND ENTERED at Lincoln, Nebraska this 16th day of August, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel G. Urwiller

//s//Duane D. Gay
//s//Rod Johnson
//s//Frank Landis, Jr.
//s//James F. Munnelly

Chairman

ATTEST:

Executive Director

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