BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

M. Gene Hand, Director, Communications Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant	Departmental Complaint No. 009 Docket No. C-1090
vs.	ORDER TO CEASE AND DESIST OPERATIONS IN NEBRASKA
Direct Network Service, Inc. of New Hope, Pennsylvania, also operating as Group Long Distance, Inc., of Fort Lauderdale, Florida Defendant.	Entered: November 1, 1994

APPEARANCES

For the Communications Department:

Deonne L. Niemack, Staff Attorney
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Lincoln, NE 68508
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BY THE COMMISSION

This petition was brought by M. Gene Hand, Director of the Communications Department of the Nebraska Public Service Commission on July 29, 1994. The defendant was given notice of the docket on August 4, 1994 via first class mail. A hearing on the matter was held in the Commission Hearing Room on October 11, 1994 with Commissioner Johnson chairing the proceeding. All interested parties were notified of the hearing on September 16, 1994. No persons testified on behalf of the defendant.

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

This docket was opened after it came to the Commission's attention that Direct Network Services (DNS) was operating in Nebraska without a certificate of public convenience and necessity. A Nebraska consumer had their long distance service switched to DNS without authorization or a signed Letter of Agency. The billing statements received by the Nebraska customer and the collection notices plainly display the defendant's name as the responsible long distance carrier.

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To resolve the "slamming" complaint for the consumer, the Commission tried to work with Group Long Distance, a name on the bill. This company referred the staff to contact Direct Network Services. DNS instructed the Commission that assistance would be provided by Tel-Save, Inc. of New Hope, Pennsylvania. Efforts to remedy the complaint were ignored by all the above-mentioned companies.

Telecommunications companies are regulated in Nebraska pursuant to Neb. Rev. Stat. §75-101 et seq. (1990 Reissue) and §86-801 to 86-811 (Reissue 1987 and Cum. Supp. 1992). The companies are also governed by Title 291 NAC Ch. 5 of the Commission's Rules and Regulations. According to state statutes and Commission rules, telecommunication companies must obtain a certificate of authority prior to doing business in the state. No such authorization has been granted to Direct Network Services or Group Long Distance.

The company was given ample time to respond and to answer the allegations set forth in the petition. However, as of this date, the company has not yet contacted the Commission.

Based on the testimony and the evidence, the petition is fair and reasonable, is in the public interest, and should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Docket No. C-1090 / Departmental Complaint No. 009, be and it is hereby granted and Direct Network Services, also known as Group Long Distance, is hereby ordered to cease and desist its operations in the state of Nebraska, absent authority from this Commission.

MADE AND ENTERED at Lincoln, Nebraska this 1st day of November, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel G. Urwiller

Chairman

//s//Rod Johnson
//s//Frank E. Landis
//s//James F. Munnelly

ATTEST:

Executive Director

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