

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Docket No. C-2540/DC-35
Public Service Commission)
Communications Department seeking)
an order to cease and desist) ORDER DISMISSING IN PART
operations and to revoke the) AND CLOSING DOCKET
certificates of public convenience)
and necessity issued to the)
named defendants.) Entered: November 20, 2001

BY THE COMMISSION:

By petition dated June 5, 2001, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) opened this docket requesting the Commission to revoke the operating authority of various defendants for failure to file annual reports pursuant to Neb. Rev. Stat. § 86-807 (Reissue 1999). All interexchange carriers (IXCs) and competitive local exchange carriers (CLECs) who had not filed annual reports with the Commission were named as defendants in this docket. Notice of this docket was sent to all affected parties on June 5, 2001. A hearing was held on September 25, 2001, in the Commission Hearing Room, Lincoln, for the defendants who did not reach a settlement with the Department. No defendants made an appearance at the hearing.

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

The defendants are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et. seq. (Reissue 1996) and 86-801 to 86-811 (Reissue 1999). Defendants are also governed by Title 291, NAC Ch. 5 of the Commissions Rules and Regulations.

As part of its regulatory authority and pursuant to Neb. Rev. Stat. § 86-807, the Commission, through its Communications Department, requires telecommunications companies which file an annual report with a federal agency to file a copy of the same report with the Commission on or before the date on which said report is filed with the federal agency. Every such company not required to file such a report with a federal agency is required to file an annual report with the Commission in a form prescribed by the Commission on or before April 30th of each year.

The defendants originally named in the complaint failed to comply with the mandates of Neb. Rev. Stat. § 86-807. Therefore, this Commission, pursuant to its legislative authority may administratively fine all such companies after notice and public hearing or revoke the certificates of public convenience and necessity issued to the defendants.

The Commission subsequently determined that several defendants had adequately complied with the provisions of Neb. Rev. Stat. § 86-807 and had satisfactorily submitted an annual report for the year 2000. Therefore, such parties were dismissed from the complaint in Commission orders entered on July 11, 2001; August 21, 2001 and November 6, 2001.

Since that time one additional defendant, Airnex Communications, Inc., has signed a stipulation with the Department wherein the defendant admits to filing its report late and agrees to pay an administrative fine to be dismissed from the departmental complaint. The signed stipulation is satisfactory, and therefore, Airnex Communications, Inc. should be dismissed from the complaint. Airnex Communications, Inc. should be aware that this Commission will not tolerate similar behavior in the year 2002 regarding the filing of the 2001 report. If their report is not postmarked on or before April 30, 2002, the option of resolving the complaint through a stipulation will be closely scrutinized.

Airnex Communications is the last named party listed in this docket. Therefore, the Commission hereby closes this departmental complaint.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Airnex Communications, Inc. has satisfied the conditions of the complaint and is hereby dismissed.

IT IS FURTHER ORDERED that this departmental complaint docket be, and is hereby, closed.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of November, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Vop
Rene C. Boyle
D. Johnson

Frank E. Landis
Chairman

ATTEST:

A. B. Pollock
Executive Director

//s// Frank E. Landis