

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-2744/PI-61
Public Service Commission)
Communications Department)
seeking an order to cease and) COMPLAINT DISMISSED IN PART
desist operations and to revoke) AND SUSTAINED IN PART
the certificates of public)
convenience and necessity issued)
to the named defendants) Entered: October 16, 2002

BY THE COMMISSION:

By petition dated June 5, 2002, 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, 2002. A hearing was held on September 18, 2002, in the Commission Hearing Room, Lincoln, Nebraska, 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 30 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 2001. Therefore, such parties were dismissed from the complaint in Commission orders entered on July 23, 2002 and August 27, 2002.

Since that time, a number of additional defendants have signed similar stipulations with the Department wherein each defendant admitted to filing its report late and agreed to pay an administrative fine to be dismissed from the departmental complaint. The signed stipulations are satisfactory, and therefore, the following defendants should be dismissed from the complaint:

Telephone Company of Central Florida, Inc.
Cable & Wireless Global Card Services, Inc.
Global Tel*Link Corporation
Long Distance Billing Services, Inc.
Webnet Communications, Inc.

Additionally, the following companies should be dismissed administratively:

GTE Midwest, Inc.
FairPoint Communications Solutions Corp.
PT-1 Counsel, Inc.
LD Exchange.com, Inc.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in the year 2003 regarding the filing of the 2002 report. If reports are not postmarked on or before April 30, 2003, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and be subject to the maximum penalty allowed.

The remaining defendants received letters from the Commission dated January 18, 2002 and April 11, 2002, which restated the annual report-filing requirement and warned of possible fines and/or certificate revocation. The defendants were given the option of negotiating a settlement by submitting an annual report and signing a stipulation with the Department, wherein each defendant admitted to filing their annual report late and agreed to pay an administrative fine to dismiss the departmental complaint against them. The defendants were also

sent copies of the original complaint, the June 5, 2002 order, and notice of the September 18, 2002, public hearing.

Nonetheless, no carriers made an appearance at the public hearing to show cause as to why their certificates of authority should not be revoked. Accordingly, the Certificates of Public Convenience and Necessity issued to the following defendants should be revoked:

Interexchange Carriers:

Essential.com, Inc.
Alternate Communications Technology, Inc.
American Fiber Network, Inc.
Evulkan, Inc., d/b/a beMANY!
Capsule Communications, Inc.
Compass Telecommunications, Incorporated
Connect!LD, Inc.
Convergent Communications Services, Inc.
Cybertel Communications Corp.
Easton Telecom Services, Inc.
EzTel Network Services, Inc.
Global Telelink Services, Inc.
Globalcom, Inc.
IG², Inc., f/k/a Computer Business Sciences, Inc.
IdealDial Corporation
Micro R&D, Inc.
Natel, LLC
New Path Holdings, Inc.
Norstar Communications, Inc., d/b/a Business Savings Plan
NTERA, Inc.
PDS, Inc., d/b/a Phone Debit Systems, Inc.
PTT Telkom, Inc.
Paramount International Telecommunications, d/b/a R Network
ServiSense.com, Inc.
Shared Communications Services, Inc.
SniP Link, LLC
Starlink Communications, LLC
TalkNow, Inc.
TelecomEZ Corporation
Telergy Network Services, Inc.
TelOne Telecommunications, Inc.
Telscape USA, Inc.
TransNet Connect, Inc.
Winstar Wireless, Inc.

Local Exchange Carriers:

Essential.com, Inc.
American Fiber Network, Inc.
CCCNE, Inc., dba Connect!
Compass Telecommunications, Inc.
Easton Telecom Services, Inc.
Global Telelink Services, Inc.
IG2, Inc., f/k/a Computer Business Sciences, Inc.
New Path Holdings, Inc.
NTERA, Inc.
Paramount International Telecommunications, d/b/a R Network
ServiSense.com, Inc.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Telephone Company of Central Florida, Inc.; Cable & Wireless Global Card Services, Inc.; Global Tel*Link Corporation; Long Distance Billing Services, Inc.; GTE Midwest, Inc.; Webnet Communications, Inc.; FairPoint Communications Solutions Corp.; PT-1 Counsel, Inc. and LD Exchange.com Inc., have satisfied the conditions of the complaint and are hereby, dismissed.

IT IS FURTHER ORDERED that the Certificates of Public Convenience issued to the defendants; Essential.com Inc.; Alternate Communications Technology, Inc.; American Fiber Network, Inc.; Evulkan, Inc., d/b/a beMANY!; Capsule Communications, Inc.; Compass Telecommunications Incorporated; Connect!LD, Inc.; Convergent Communications Services, Inc.; Cybertel Communications Corp.; Easton Telecom Services, Inc.; EzTel Network Services Inc.; Global Telelink Services, Inc.; Globalcom, Inc.; IG², Inc., f/k/a Computer Business Sciences, Inc.; IdealDial Corporation; Micro R&D, Inc.; Natel, LLC; New Path Holdings Inc.; Norstar Communications, Inc., d/b/a Business Savings Plan; NTERA, Inc.; PDS, Inc., d/b/a Phone Debit Systems, Inc.; PTT Telkom, Inc.; Paramount International Telecommunications, d/b/a R Network; ServiSense.com, Inc.; Shared Communications Services, Inc.; SniP Link, LLC; Starlink Communications LLC; TalkNow, Inc.; TelecomEZ Corporation; Telergy Network Services, Inc.; TelOne Telecommunications, Inc.; Telscape USA, Inc.; TransNet connect, Inc.; Winstar Wireless, Inc.; Essential.com Inc.; American Fiber Network, Inc.; CCCNE, Inc., dba Connect!; Compass

Telecommunications, Inc.; Easton Telecom Services, Inc.; Global Telelink Services, Inc.; IG², Inc., f/k/a Computer Business Sciences, Inc.; New Path Holdings, Inc.; NTERA, Inc.; Paramount International Telecommunications, d/b/a R Network and ServiSense.com, Inc., shall be, and they are hereby, revoked.

IT IS FURTHER ORDERED that the defendants revoked herein shall cease and desist providing service in the state of Nebraska within 60 days from the date of this order. Furthermore, said carriers shall give at least 30 days notice of discontinuance of service to their customers and reimburse said customers for any necessary switching charges.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of October, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director