

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint of) Docket No. C-2861/DC-62
Maurice Gene Hand, Director of the)
Nebraska Public Service Commission)
Communications Department,)

Complainant,)

) ORDER TO SHOW CAUSE

vs.)

Advantage Telecommunications,)
Corp., of Maitland, Florida,)

Defendant.) Entered: January 28, 2003

BY THE COMMISSION:

On the Motion filed by the Complainant in this matter on January 28, 2003, the Nebraska Public Service Commission (Commission) finds and orders as follows:

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

Complainant, Maurice Gene Hand, Director of the Department of Communications of this Commission, presented preliminary evidence of numerous complaints dealing with Advantage Telecommunications, Corp. of Maitland, Florida, regarding the Defendant's marketing practices and misrepresentations. Specifically, Complainant alleged:

1. Complainant is the Director of the Department of Communications of this Commission, which has jurisdiction over intrastate telecommunications services in Nebraska.
2. On March 9, 1999, Defendant obtained a Certificate of Public Convenience and Necessity to operate as a resale carrier of intrastate interexchange intraLATA and interLATA telecommunications services within the state of Nebraska.
3. The Department of Communications finds the Defendant's marketing practices highly suspect and not in the public's interest.
4. The Commission has received numerous complaints from customers about the Defendant's marketing practices and misrepresentations.

5. Due to the questionable marketing practices of the Defendant, many customers are of the opinion that they have been slammed in violation of the Nebraska Telephone Consumer Slamming Prevention Act as set forth in Neb. Rev. Stat. sections 86-201 through 86-211.
6. The Department of Communications staff has been unable to obtain sufficient information as to the content and status of the Defendant's marketing practices and the reasons for the Defendant's alleged misrepresentations.

In consideration of the Petition filed herein, the Commission is of the opinion that Advantage Telecommunications, Corp. of Maitland, Florida, should appear before the Commission on March 12, 2003, at 10:00 a.m. in the Commission Hearing Room, to show cause as to why the Defendant should not be (1) assessed administrative penalties pursuant to the Telephone Consumer Slamming Prevention Act, Neb. Rev. Stat. sections 86-201 through 86-211 or Neb. Rev. Stat. section 75-156, (2) have its Certificate of Public Convenience and Necessity to operate as a resale common carrier of telecommunications service in Nebraska, and/or (3) ordered to cease and desist from offering telecommunications services in Nebraska pursuant to Neb. Rev. Stat. section 75-133.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Advantage Telecommunications, Corp. of Maitland, Florida, shall appear before the Commission on March 12, 2003, at 10:00 a.m. in the Commission Hearing Room, to show cause as to why the Defendant should not be (1) assessed administrative penalties pursuant to the Telephone Consumer Slamming Prevention Act, Neb. Rev. Stat. sections 86-201 through 86-211, (2) have its Certificate of Public Convenience and Necessity to operate as a resale common carrier of telecommunications service in Nebraska, and/or (3) ordered to cease and desist from offering telecommunications services in Nebraska pursuant to Neb. Rev. Stat. section 75-133.

IT IS FURTHER ORDERED that should Advantage Telecommunications, Corp. of Maitland, Florida, satisfactorily resolve the issues contained herein by working with Commission staff, the Commission will dismiss the complaint prior to hearing.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of January,
2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director