

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,)
vs.) PETITION FOR ORDER
Advantage Telecommunications,) TO SHOW CAUSE
Corp. of Maitland, Florida,)
Defendant.) Entered: January 28, 2003

The Communications Department of the Nebraska Public Service Commission (Commission), by and through its Director, Maurice Gene Hand, states and alleges as follows:

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.

WHEREFORE, Complainant prays that this Commission convene a hearing on the foregoing petition and order Advantage Telecommunications, Corp. to show cause as to why the Commission should not (1) assess 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) revoke the Defendant's Certificate of Public Convenience and Necessity to operate as a resale common carrier of telecommunications service in Nebraska, and (3) order the Defendant to cease and desist from offering telecommunications services in Nebraska pursuant to Neb. Rev. Stat. section 75-133.

DATED this 28th day of January, 2003.

MAURICE GENE HAND, Complainant

BY _____
Chris A. Post, #21314
Attorney for Complainant
NEBRASKA PUBLIC SERVICE COMMISSION
300 The Atrium, 1200 N Street
P.O. Box 94927
Lincoln, NE 68508
(402) 471-3101

VERIFICATION

STATE OF NEBRASKA)
) ss.
 COUNTY OF LANCASTER)

Chris A. Post, being first duly sworn, deposes and says that he is agency legal counsel for the Communications Department of the Nebraska Public Service Commission; that he is the attorney for the Complainant in the foregoing complaint; that he has read the allegations contained herein and understands them to be true to the best of his knowledge and belief.

 Chris A. Post

SUBSCRIBED AND SWORN to before me this _____ day of January, 2003.

 Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing PETITION FOR ORDER TO SHOW CAUSE was sent by certified mail to the defendant Advantage Telecommunications, Corp., 125 S. Swoope Road, Suite 102, Maitland, Florida 32751 on this 28th day of January, 2003.

 Chris A. Post

N O T I C E

1. Pursuant to Neb. Admin. R. & Regs., tit. 291, ch. 1, rule 005.09, the Respondent is hereby notified that an answer to this complaint shall be filed with the Nebraska Public Service Commission at 300 The Atrium, 1200 N Street, P.O. Box 94927, Lincoln, Nebraska 68509. The answer shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses, which the Respondent may assert. The answer shall be filed with the Commission within 20 days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint.
2. Failure to file an answer or to appear at the hearing allows the Commission to: (a) immediately enter an order assessing a civil penalty as provided by law; or (b) to proceed with the hearing and receive evidence of the alleged violation and to assess a civil penalty as provided by law.
3. Upon failure to pay any civil penalty determined by the Commission, such civil penalty unpaid shall constitute a debt to the State of Nebraska and be collectible by civil action in the District Court of Lancaster County, Nebraska.