BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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| In the Matter of the Nebraska Public Service Commission Communications Department seeking an order to cease and desist operations and to revoke the certificates of public convenience and necessity issued to the named defendants. | Application No. C-3213/DC-67<br><br>COMPLAINT DISMISSED IN PART<br><br>Entered: August 24, 2004 |

BY THE COMMISSION:

By original petition, dated June 8, 2004, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) initiated this docket requesting the Commission to revoke the operating authority of various defendants for failure to file annual reports pursuant to Neb. Rev. Stat. § 86-159 (2002 Cum. Supp.) All companies who had not filed annual reports with the Commission were named as defendants in this docket. A copy of the Petition and the Order Opening Docket was mailed to each defendant via certified United States mail.

The defendants are interexchange (IXC) and local exchange (Local) telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. § 75-101, et. seq. (2002 Cum. Supp.) and §§ 86-101 et. seq. (2002 Cum. Supp.). Defendants are also governed by Title 291, NAC Chapter 5 of the Commission's Rules and Regulations.

As part of its regulatory authority and pursuant to Neb. Rev. Stat. § 86-159, 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.

A number of defendants have signed a stipulation with the Department wherein each defendant admits to filing its report late and agrees to pay an administrative fine to dismiss the departmental complaint. The signed stipulations are satisfactory and therefore, the following defendants should be dismissed from the complaint:

Entrix Telecom, Inc. (IXC and CLEC)
IDT America Corp.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2005 regarding the filing of the 2004 report. If reports are not postmarked on or before April 30, 2005, the option of resolving the

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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 above-named defendants have complied with the provisions of § 86-159 (2002 Cum. Supp.) and have satisfactorily remitted an annual report for the year 2002; therefore, said defendants should be dismissed from this complaint.

In addition, the following companies were inadvertently included in the complaint as a result of reporting errors or due to a revised fining schedule for this year and accordingly will be administratively dismissed:

Choctaw Communications, Inc., d/b/a Smoke Signal Communications (IXC and Local)
Glyphics Communications, Inc.
WebNet Communications, Inc.
Touch America, Inc.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Entrix Telecom, Inc., IDT America Corp., Choctaw Communications, Inc., d/b/a Smoke Signal Communications (IXC and Local), Glyphics Communications, Inc., WebNet Communications, Inc., and Touch America, Inc., be, and they are hereby, dismissed from the departmental complaint.

IT IS FINALLY ORDERED that any defendant who subsequently files a satisfactory annual report may execute a stipulation with the department similar to that offered to the above-named companies in an effort to obtain dismissal.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of June, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

//s// Frank E. Landis
//s// Gerald L. Vap

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