

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint of) Docket No. C-3381/DC-70
Maurice Gene Hand, Director of the)
Nebraska Public Service Commission)
Communications Department,)
)
Complainant,)
)
vs.) PETITION TO REVOKE
) OPERATING AUTHORITIES AND
) CEASE AND DESIST
Interexchange Carriers:) OPERATIONS IN NEBRASKA
)
)
)
Defendants.) Entered: May 11, 2005

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

1. The above-mentioned defendants are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et seq. (2003 Cum. Supp.) and 86-101 et. seq. (2004 Cum. Supp.). Defendants are also governed by Title 291, NAC Ch. 5 of the Commission's Rules and Regulations.

2. As part of its regulatory authority and pursuant to § 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.

3. None of the defendants filed the required proper and complete annual reports for the year 2004 as of April 30, 2005. Each company was notified by the staff by first class mail that the annual report was due: Interexchange carriers and local exchange carriers were both notified on January 31, 2005. Additionally, interexchange carriers and local exchange carriers were notified a second time on March 31, 2005. None of the defendants responded by April 30, 2005, with a report that satisfies the Commission's requirements.

4. Based on the failure of the defendants to file the required annual reports by April 30, 2005, and each defendant's

disregard of the requests to do so, each defendant's certificate of authority should be revoked and each defendant should be ordered to cease and desist operations in Nebraska.

WHEREFORE, the complainant prays that this Commission set this matter for hearing and revoke each certificate of authority previously issued to the above-named defendants.

DATED this 11th day of May, 2005.

MAURICE GENE HAND, Complainant

BY _____
Angela Duvall Melton, #21755
Attorney for Complainant
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COMMISSION
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VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

Angela Duvall Melton, being first duly sworn, deposes and says that she is agency legal counsel for the Communications Department of the Nebraska Public Service Commission; that she is the attorney for the complainant in the foregoing complaint; that she has read the allegations contained herein and understands them to be true to the best of her knowledge and belief.

Angela Duvall Melton

SUBSCRIBED AND SWORN to before me this _____ day of May, 2005.

Notary Public