BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Public Service Commission Communications Department, regarding the 2005 Annual Report filings.	)	Application No. C-3559/DC-72
	)	ORDER TO SHOW CAUSE
	)	Entered: May 10, 2006

BY THE COMMISSION:

The Commission on its own motion opened the present docket to collect and review the 2005 annual reports required pursuant to Neb. Rev. Stat. § 86-159 (2004 Cum. Supp.) and to process any and all motions or requests related to the annual report. On May 10, 2006, the Communications Department filed a complaint seeking an order revoking the operating authority of each of the defendants named in the complaint alleging that said carriers failed to timely file an annual report pursuant to Neb. Rev. Stat. § 86-159 (2004 Cum. Supp.).

A copy of the complaint and this order shall be mailed to each defendant via certified mail.

The defendants are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. § 75-101, et. se. (2004 Cum. Supp.) and §§ 86-101 et. seq. (2004 Cum. Supp.). Defendants are also governed by Title 291, Neb. Admin. Code Title 291, Ch. 5 of the Commission's rules and regulations.

As part of its regulatory authority and pursuant to § 86-159, the Commission, through its Communications Department (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.

Each interexchange carrier and local exchange carrier was notified by the staff by first class mail dated January 31, 2006 and March 31, 2006, that the annual report was due on April 30, 2006. None of the defendants named in the complaint filed the required proper and complete annual reports for the year 2005 as of April 30, 2006.

The Commission further finds that Defendants should be ordered to show cause as to why civil penalties should not be

Printed with soy ink on recycled paper

assessed and their certificates of public convenience and necessity should not be revoked. Furthermore, the Commission finds that a hearing should be scheduled on this matter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that each defendant is ordered to show cause as to why civil penalties should not be assessed and its certificate of necessity and convenience should not be revoked for failure to satisfy the annual report filing requirements.

IT IS FURTHER ORDERED that a copy of the complaint and this order shall be mailed to each defendant via certified mail.

IT IS FURTHER ORDERED that any defendant who subsequently filed a satisfactory annual report may execute a stipulation with the department.

IT IS FINALLY ORDERED that hearing on this matter is scheduled for **August 15, 2006, at 1:30 p.m.** at the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of May, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s// Lowell C. Johnson
//s// Frank E. Landis

Chairman

ATTEST:

Executive Director

Printed with soy ink on recycled paper