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 COMPLAINT DISMISSED IN PART Entered: July 11, 2006

BY THE COMMISSION:

By original complaints, dated May 10 and 16, 2006, 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 (2004 Cum. Supp.) All companies who had not filed annual reports with the Commission or who had filed incomplete annual reports were named as defendants in this docket. A copy of the Complaint and the Order to Show Cause 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. (2004 Cum. Supp.) and §§ 86-101 et. seq. (2004 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 § 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.

The companies listed below have signed a stipulation with the Department wherein defendants admit to filing their report late and have agreed to pay an administrative fine to dismiss the departmental complaint:

New Rochelle Telephone Corporation (IXC)
McGraw Communications, Inc. (IXC)

The signed stipulation is satisfactory and therefore, the above-listed defendants should be dismissed from the complaint.

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The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2007 regarding the filing of the 2006 report. If reports are not postmarked on or before April 30, 2007, the option of resolving the 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 companies listed herein have complied with the provisions of § 86-159 and have satisfactorily remitted an annual report for the year 2005; therefore, said defendants should be dismissed from this complaint.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that **New Rochelle Telephone Corporation (IXC) and McGraw Communications, Inc. (IXC)** be, and 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 11th day of July, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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

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