

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No.C-3757/DC-74
Public Service Commission, on)
its own motion, to collect and)
review the 2006 Annual Reports) COMPLAINT SUSTAINED
required to be filed with the)
Commission pursuant to Nebraska)
Revised Statute §86-159.) Entered: September 11, 2007

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By Order issued on March 6, 2007, the Nebraska Public Service Commission (Commission) opened this docket to collect and review the 2006 Annual Reports through its Communications Department (Department) pursuant to Neb. Rev. Stat. §86-159 (2004 Cum. Supp.). By original complaints, dated May 15 and 23, 2007, the Department requested the Commission revoke the operating authority of various defendants for failure to file annual reports. All interexchange carriers (IXCs) and competitive local exchange carriers (CLECs) who had not timely filed annual reports with the Commission were named as defendants.

A hearing was held on August 21, 2007, in the Commission Hearing Room, Lincoln, Nebraska, for any defendants who were not previously dismissed from the docket.

All IXCs and CLECs were notified via first class mail on January 31, 2007, of their obligation to file an annual report on or before April 30, 2006. All IXCs and CLECs were notified a second time via first class mail on March 31, 2007. Copies of all of these letters were entered into the record as Exhibits 5 and 6 respectively. The Commission also took administrative notice of all previous orders entered in this docket dismissing certain defendants.

The following defendants remain in the docket:

Airnex Communications, Inc.
AmeriVon, LLC
CAT Communications International, Inc.
Claricom Networks, LLC
Eastern Telecom Service, LLC
Group Long Distance, Inc.
New Rochelle Telephone Corporation
Nextlink Wireless, Inc.
NobelTel, LLC

Promise Vision Technology, Inc.
Startec Global Licensing Company
Trinsic Communications, Inc.
US Republic Communications, Inc.
Vanco Direct USA, LLC

The remaining defendants are 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 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, 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 defendants originally named in the petition failed to comply with the mandates of Neb. Rev. Stat. §86-159. Therefore, this Commission, pursuant to its legislative authority, may administratively impose fines on all such companies after notice and public hearing or revoke the certificates of public convenience and necessity issued to the defendants.

The Commission subsequently determined that several defendants had adequately complied with the provisions of Neb. Rev. Stat. §86-159 and had satisfactorily submitted an annual report for the year 2006. Therefore such parties were dismissed from the complaint.

All defendants who contacted the Commission were given the option of negotiating a settlement by submitting an annual report and signing a stipulation with the Department, wherein each defendant admitted to filing their annual report late and agreed to pay an administrative fine to dismiss the departmental complaint against them.

The remaining defendants either did not contact the Commission or did not agree to the terms of the stipulation. Furthermore, all defendants were notified of the hearing and were entitled to appear. Nonetheless no carriers made an appearance at the public hearing to show cause as to why their certificates of authority should not be revoked.

Accordingly, fines should be levied against the following defendants and the Certificates of Public Convenience and Necessity issued to them should be revoked:

Airnex Communications, Inc.
AmeriVon, LLC
CAT Communications International, Inc.
Claricom Networks, LLC
Eastern Telecom Service, LLC
Group Long Distance, Inc.
New Rochelle Telephone Corporation
Nextlink Wireless, Inc.
NobelTel, LLC
Promise Vision Technology, Inc.
Startec Global Licensing Company
Trinsic Communications, Inc.
US Republic Communications, Inc.
Vanco Direct USA, LLC

O R D E R

IT IS THEREFORE ORDERED that fines be levied consistent with the Commission approved fining policy calculated as of the date of the hearing against the defendants: Airnex Communications, Inc.; AmeriVon, LLC; CAT Communications International, Inc.; Claricom Networks, LLC; Eastern Telecom Service, LLC; Group Long Distance, Inc.; New Rochelle Telephone Corporation; Nextlink Wireless, Inc.; NobelTel, LLC; Promise Vision Technology, Inc.; Startec Global Licensing Company; Trinsic Communications, Inc.; US Republic Communications, Inc.; and Vanco Direct USA, LLC.

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to the defendants: Airnex Communications, Inc.; AmeriVon, LLC; CAT Communications International, Inc.; Claricom Networks, LLC; Eastern Telecom Service, LLC; Group Long Distance, Inc.; New Rochelle Telephone Corporation; Nextlink Wireless, Inc.; NobelTel, LLC; Promise Vision Technology, Inc.; Startec Global Licensing Company; Trinsic Communications, Inc.; US Republic Communications, Inc.; and Vanco Direct USA, LLC, shall be and are hereby revoked.

IT IS FURTHER ORDERED that the defendants revoked herein shall cease and desist providing service in the State of Nebraska within 60 days from the date of this order. Furthermore, said carriers shall give at least 30 days notice of discontinuance of service to their customers and reimburse said

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customers from any charges associated with obtaining service from a different carrier.

MADE AND ENTERED at Lincoln, Nebraska, this 11th day of September, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Heath L. Up

Anne C. Boyle

Frank E. Landis

Chairman

Rod Johnson

ATTEST:

John Burdick

Deputy Director

//s// Rod Johnson

//s// Frank E. Landis