

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Public Service Commission Communications Department, regarding the 2009 Annual Report filings.) Application No. C-4273/DC-77)) ORDER TO SHOW CAUSE AND NOTICE OF HEARING)) Entered: May 25, 2010

BY THE COMMISSION:

The Commission, on its own motion, opened the present docket to collect and review the 2009 annual reports required pursuant to *Neb. Rev. Stat. § 86-159* (Reissue of 2008) and to process any and all motions or requests related to the annual report. On May 18, 2010, the Communications Department filed a complaint seeking an order assessing civil penalties and revoking the operating authority of each of the Respondents named in the complaint alleging that said carriers failed to timely file an annual report pursuant to *Neb. Rev. Stat. § 86-159* (Reissue of 2008).

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

The Respondents are telecommunications companies generally regulated by the Commission, pursuant to *Neb. Rev. Stat. § 75-101, et. se. (2008 Cum. Supp.)* and *§ 86-101 et. seq. (Reissue of 2008)*. Respondents 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 on or about January 31, 2010 and March 31, 2010, that the annual report was due on April 30, 2010. None of the Respondents named in the complaint filed the required annual report for the year 2009 as of April 30, 2010.

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The Commission further finds that Respondents should be ordered to show cause as to why civil penalties should not be 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 on **August 3, 2010, at 1:30 p.m.** at the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that each Respondent 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 Respondent via certified mail.

IT IS FURTHER ORDERED that any Respondent 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 3, 2010, at 1:30 p.m.** at the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 25th day of May, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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

Chairman



ATTEST:



Executive Director