BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint of Maurice Gene Hand, Director of the Nebraska Public Service Commission Communications Department, Complainant, vs. **Interexchange Carriers:** Access One, Inc. Advanced Tel, Inc. Andiamo Telecom, LLC Digital ISP Group, Inc. Netlojix Telecom, Inc. Northstar Telecom, Inc. U.S. South Communications, Inc. **Local Exchange Carriers:** Digital ISP Group, Inc. Net Talk.com, Inc. Northstar Telecom, Inc. Respondents.	Application No. C-4273/ DC-77 COMPLAINT SEEKING TO REVOKE OPERATING AUTHORITIES AND CEASE AND DESIST OPERATIONS IN NEBRASKA Entered: May 18, 2010

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COMES NOW, Maurice Gene Hand, Director of the Communications Department (Department) of the Nebraska Public Service Commission (Commission), and alleges the following:

1. The above-mentioned Respondents are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et seq. (2008 Cum. Supp.) and § 86-101 et. seq. (Reissue of 2008). Respondents are also governed by Neb. Admin. Code Title 291, 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 Respondents filed the required annual reports for the year 2009 as of April 30, 2010. 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 or around January 31, 2010. Additionally, interexchange carriers and local exchange carriers were notified a second time on or around March 31, 2010. None of the Respondents responded by April 30, 2010, and as of the date of this complaint, have not responded and have failed to file an annual report.

4. Based on the failure of the Respondents to file the required annual reports by April 30, 2010, and each Respondent's disregard of the requests to do so, civil penalties should be assessed against each Respondent, each Respondent's certificate of authority should be revoked and each Respondent should be ordered to cease and desist operations in Nebraska.

WHEREFORE, the complainant prays that this Commission

a. Serve a copy of this complaint on each Respondent via certified mail;

b. enter an order setting this matter for hearing;

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c. after hearing assess appropriate civil penalties against the Respondents for each violation pursuant to Neb. Rev. Stat. § 75-156, an amount not to exceed $10,000 dollars per violation per day up to $2 million dollars per violation per year; and

d. revoke each certificate of authority previously issued to the above-named Respondents.

Respectfully Submitted,

Nichole Mulcahy, #22492
Staff Attorney
Nebraska Public Service Commission
300 The Atrium Building
1200 N Street
P.O. Box 94927
Lincoln, Nebraska 68509

State of Nebraska)
) ss
County of Lancaster)

VERIFICATION

Maurice Gene Hand, being first duly sworn on oath, deposes and says that he is the duly-appointed Director of the Communications Department of the Nebraska Public Service Commission; that he is the Complainant in the foregoing pleading; that he has read the allegations contained therein; and understands them to be true to the best of his knowledge and belief.

Maurice Gene Hand

SUBSCRIBED AND SWORN to before me on this 18th day of May, 2010.

Deena Ackerman
Notary Public

(SEAL) GENERAL NOTARY - State of Nebraska DEENA ACKERMAN My Comm. Exp. March 18, 2014

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Complaint was sent by Certified United States Mail postage prepaid on May 25, 2010 to the following:

Access One, Inc.,820 W. Jackson Blvd., 6th Floor,Chicago, Illinois, 60607; Advanced Tel, Inc.,30575 Trabuco Canyon Road, #200, Trabuco Canyon, California, 92679; Andiamo Telecom, LLC, 10575 N. 114th St., Ste. 103, Scottsdale, Arizona, 85259; Digital ISP Group, Inc., P.O. Box 29768, Lincoln, Nebraska, 68529; Netlojix Telecom, Inc., P.O. Box 79350, Fort Worth, Texas, 76179; Northstar Telecom, Inc., 445 Hamilton Avenue, Ste. 601, Las Vegas, Nevada, 89121; U.S. South Communications, Inc., 250 Williams Street, Ste. 2360, Atlanta, Georgia, 30303; Net Talk.com, Inc., 110 NW 163rd Drive, Ste. 3, North Miami Beach, Florida, 33169.

Nichole Mulcahy, #22492

N O T I C E

1. Pursuant to Neb. Admin. R. & Regs., title 291, chapter 1, section 005.09, the Respondent(s) is hereby notified that an answer to this complaint shall be filed and shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses which the Respondent may assert. The answer shall be filed with the Commission within twenty (20) days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint. Failure to file an answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty as provided by law; or (b) to proceed with the hearing and receive evidence of the alleged violation and to assess a civil penalty as provided by law.

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2. Pursuant to title 291, chapter 10, section 007.01, the Commission may impose an administrative penalty not to exceed ten thousand dollars ($10,000.00) for each violation per day up to two million dollars ($2,000,000) per violation per year.

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