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
	)	COMPLAINT DISMISSED IN PART
	)	Entered: July 13, 2010

BY THE COMMISSION:

By original complaint, dated May 18, 2010, 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 (Reissue of 2008). All companies who had not filed annual reports with the Commission or who had filed incomplete annual reports were named as respondents 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 respondents are interexchange (IXC) and local exchange (Local) telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. § 75-101, et. seq. (Reissue of 2009) and §§ 86-101 et. seq. (Reissue of 2008). Respondents 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 each defendant admits to filing its report late and has agreed to pay an administrative fine to dismiss the departmental complaint:

Access One, Inc.
Northstar Telecom, Inc.
U.S. South Communications, Inc.

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

Printed with soy ink on recycled paper

The companies listed in the preceding paragraph that stipulated with the Department should be aware that this Commission will not tolerate similar behavior in 2011 regarding the filing of the 2010 report. If reports are not postmarked on or before April 30, 2011, 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 2009; therefore, said respondents should be dismissed from this complaint.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Access One, Inc.; Northstar Telecom, Inc.; and U.S. South Communications, Inc., be, and are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that any respondent who subsequently files a satisfactory annual report may execute a stipulation with the department similar to that offered to the above-named company in an effort to obtain dismissal.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of July, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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

Printed with soy ink on recycled paper