

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Maurice Gene Hand, Director of) Application No. DC-68
the Communications Department of)
the Nebraska Public Service)
Commission,)
)
Complainant,)
v.) COMPLAINT
)
OnStar Corporation,)
TracFone Wireless, Inc.)
)
)
Respondents.) Filed: September 21, 2004

COMES NOW Maurice Gene Hand, Director of the Communications Department of the Nebraska Public Service Commission (hereinafter Complainant) and files the above-captioned Complaint filed in this matter against:

OnStar Corporation
TracFone Wireless, Inc.

(hereinafter collectively referred to as the Respondents) alleging the following:

1. The Complainant is the Director of the Communications Department of the Nebraska Public Service Commission (Commission.)
2. The Respondents are wireless telecommunications companies as defined by *Neb. Rev. Stat. § 86-125(6)*(Cum. Supp. 2002) and Title 291, *Neb. Admin. R. & Regs.*, Chapter 5, Section 008.02E.
3. Jurisdiction is proper pursuant to *Neb. Rev. Stat. §§ 86-124 to 86-125* and Title 291, *Neb. Admin. R. & Regs.* Chapter 5.
4. *Neb. Rev. Stat. § 86-125(1)* requires wireless carriers providing telecommunications service in the State of Nebraska to file a registration form with and pay a registration fee to the Commission. Subsection (2) provides that the registration shall be on a form prescribed by the Commission.
5. Pursuant to its authority provided in *Neb. Rev. Stat. § 86-125(3)*, the Commission has promulgated rules and regulations consistent with *Neb. Rev. Stat. § 86-125*, has adopted a prescribed registration form, and has established a Fifty dollar (\$50.00) first time filing fee for wireless carriers.

6. Title 291 Neb. Admin. Code, Chapter 5, § 008.03A provides in pertinent part:

008.03A Registration Required: A wireless carrier providing telecommunications service in Nebraska shall file a registration with the Commission. A wireless carrier which provided such telecommunications service prior to January 1, 2003, and which continues to provide such telecommunications service on and after January 1, 2003, shall register with the Commission prior to April 1, 2003. Any wireless carrier which begins to provide telecommunications service in Nebraska on or after January 1, 2003, shall register with the Commission prior to providing such telecommunications service.

7. The Complainant alleges that Respondents named herein have violated *Neb. Rev. Stat.* § 86-125 by failing to register or provide the required information with the Commission.
8. The Complainant further alleges that Respondents named herein have violated 291 Neb. Admin. Code, Chapter 5, § 008 by failing to register with the Commission and by failing to file the required information and fee.

WHEREAS the Complainant therefore respectfully prays for an Order from the Nebraska Public Service Commission finding the Respondents named herein guilty of the alleged violation(s) and levying an administrative penalty against the Respondents for

CERTIFICATE OF SERVICE

I certify that, a true and correct copy of the above Complaint was sent by First Class, Certified, United States Mail, postage prepaid, on September ____, 2004, to the following:

TracFone Wireless, Inc.
Bob Collins
8390 NW 25th Street
Miami, FL 33122

OnStar Corporation
Michelle Liu
1400 Stephenson Highway
Troy, MI 48084

Shana L. Knutson #21833

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.

2. Pursuant to title 291, chapter 5, section 008, and Neb. Rev. Stat. § 75-156(2), the Commission may impose an administrative penalty not to exceed One Hundred Dollars (\$100.00) for each violation per day.