

TELECOMMUNICATIONS RELAY SYSTEM (TRS) SURCHARGE REMITTANCE LATE-FEE/ADMINISTRATIVE FINE PROCEDURE

Late-Filed Remittance

A TRS surcharge remittance will be considered late when it is filed after the 30th of the month following the month in which the surcharges were collected (excluding January when the remittance date will be thirty (30) days after the last day of January).

Companies that have monthly remittances of less than \$25 may elect to remit on a quarterly or annual basis however those remittances will be due thirty days (30) after the end of the remittance period selected. A carrier must notify the Commission in writing, prior to the remittance period, its election to remit quarterly or annually.

Waiver

The Department will ask the Commission for a waiver of the penalty for companies that:

- File for past-due periods but have not previously filed with the Department unless the Department has grounds to believe a company has willfully violated the remittance requirements.
- Provide documentation that demonstrates that the remittance was sent in a timely manner.
- Provide a reasonable explanation for the late-remittance(s) and do not have a history of late filings.

Penalty

A late-filed remittance that totals \$25 or more will be subject to the following:

- If less than thirty (30) days late, a late handling fee.
- If thirty (30) or more days late, a late handling fee and administrative fine.

Repeat Violations Penalty

A company that files late more than once, regardless of the amount of the remittances, will be subject to late handling fees and administrative fines based on the following criteria:

- Files monthly and is late 3 or more times within a twelve-month period.
- Files quarterly and is late 2 or more times within a twelve-month period.

Late Handling Fee

- \$50 per late remittance.
- One late handling fee per late remittance.
- Payable to the Nebraska Public Service Commission.
- If late handling fee is not paid within 60 days, from the date the remittance was originally due, a formal complaint will be brought before the Commission.

Administrative Fine

- Formal Complaint will be opened.
- For the first sixty (60) days the fine will be \$1.00 per day beginning from the date the remittance(s) became late. After the first sixty (60) days the fine will increase to \$10.00 per day.

- Additional fines may be proposed.
- All fines will be payable to the Nebraska Public Service Commission and deposited in the common school fund.
- Company has sixty (60) days from the date the complaint was entered to stipulate with the department in order to settle the complaint.
- If the complaint is not settled the matter will be set for hearing.

Repeat Offenders

When the department has opened more than two complaints against the same company in a calendar year or has amended a complaint due to continued alleged late remittance filings the company will be identified as a repeat offender. Complaints against a repeat offender will be written or amended to include a minimum of ten thousand dollars (\$10,000.00) in administrative penalties and to include an alternative for the Commission to revoke the carrier's certificated authority.

Commission Approval

The assessment of late handling fees will be made by the department. Opening formal complaints, granting waivers and assessing administrative penalties will be brought before the Commission for approval.