

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Maurice Gene Hand, Director of) Complaint No. SC-004
the Communications Department of)
the Nebraska Public Service)
Commission,)
Complainant,)
vs.) SLAMMING COMPLAINT
Lightyear Communications,)
Respondent.) Entered: March 11, 2003

COMES NOW Maurice Gene Hand, the Complainant, in the above-captioned cause, in his official capacity as Director of the Communications Department of the Nebraska Public Service Commission (Commission), by and through Shanicee Knutson, staff attorney for the Commission, and for its complaint against the Respondent, Lightyear, states and alleges as follows:

1. Pursuant to Neb. Rev. Stat. § 86-201, et seq. the Commission is the appropriate public body to enforce state law prohibiting the unauthorized switching of a subscriber's telecommunications company selected by the subscriber to provide telecommunications services.
2. Respondent, Lightyear Communications, is an interexchange carrier doing business in the state of Nebraska. Commission records and documents show that the Respondent has a certificate of public convenience and necessity issued by the Commission to operate as a common carrier within the state of Nebraska.
3. On or about January 4, 2003, five or more access numbers of Dunrite, Inc., 3405 North Yager Road, Fremont, Nebraska 68025, were switched to Unadial (aka Lightyear) for long distance service without authorization and in violation of Neb. Rev. Stat. § 86-205 (Cum. Supp. 2002).

WHEREFORE, Complainant prays that the Commission enter an order levying a civil fine against Respondent pursuant to Neb. Rev. Stat. § 86-209 (Cum. Supp. 2002) in an amount not to exceed two thousand dollars (\$2000.00) per violation and for any other order the Commission deems appropriate and is within its jurisdiction to render, including any remedy consistent with state and federal law.

Dated this 11th of March, 2003

Maurice Gene Hand, Complainant
Nebraska Public Service Commission
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing complaint was served on the Respondent, Lightyear Communications, Inc., 1901 Eastpoint Parkway, Louisville, KY 40223 by certified mail, this ___ day of March, 2003.

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

Maurice Gene Hand, being first duly sworn on oath, deposes and says that he is the duly-appointed Director of 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 and correct to the best of his knowledge and belief.

Maurice Gene Hand
Complainant

SUBSCRIBED AND SWORN to before me on this 11th day of March, 2003.

Notary Public

SEAL

NOTICE

1. Pursuant to Neb. Admin. R. & Regs. Title 291, Ch. 5, Rule 004.08 and Title 291, Ch. 1, Rule 005.09, the Respondent 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 with in twenty (20) days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegation 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, Ch. 5, Rule 004.08C, within twenty days after the receipt of an answer, the Commission shall

hold a hearing. After such hearing, the Commission may impose an administrative penalty not to exceed two thousand dollars (\$2000.00) for each violation.