

# NEBRASKA PUBLIC SERVICE COMMISSION

## LATE REMITTANCE POLICY

The Nebraska Public Service Commission (“Commission”) hereby sets forth the following policies and procedures for its Departments to address late and unpaid remittances owed to its Nebraska Universal Service Fund (“NUSF”), Telecommunications Relay System (“TRS”) fund, and 911 Service System fund.

The Commission reserves the right to exercise discretion in applying these policies and procedures, to grant waivers where appropriate, and to levy additional fines and fees if necessary.

### 1. Due Dates:

- a. All remittances must be submitted through the Commission’s online remittance system (“Remittance System”).
- b. **NUSF:** NUSF remittances are due on the 15th day of each month following the remittance period in which the surcharges were collected. If the 15th day falls on a weekend or holiday, the remittance will be due on the next business day after the 15th.
- c. **TRS:** TRS surcharge remittances are due thirty (30) calendar days after the end of the reported data period. If the 30th day falls on a weekend or holiday, the remittance will be due on the next business day after the 30th day.
- d. **911:** 911 remittances are due sixty (60) calendar days after the end of the reported data period. If the 60th day falls on a weekend or holiday, the remittance will be due on the next business day after the 60th day.

### 2. Monthly, Quarterly, and Annual Filing: Carriers are generally required to submit their remittances to each fund on a monthly basis, with the following exceptions:

- a. **NUSF:** Carriers who qualify to remit on a quarterly basis to the NUSF under Commission regulations must notify the Telecom/NUSF Department in writing, at least ten (10) business days prior to the beginning of the next remittance period, of their election to remit on a quarterly basis.
- b. **TRS:** Carriers whose monthly TRS remittances total less than \$25.00 may submit their TRS remittances on either a quarterly or annual basis.
  - i. The period for annual remittances shall begin on July 1 of each year and end on June 30.
  - ii. A carrier must notify the Telecom/NUSF Department in writing, at least ten (10) business days prior to the beginning of the next remittance period, of its election to remit quarterly or annually for the following remittance period.
- c. **911:** 911 remittances must be submitted on a monthly basis.

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3. Waiver: Carriers are eligible for a waiver of late fees relating to one late filing. This waiver is available one time only, for one remittance period, for the duration of the carrier's authority in Nebraska for each of the three remittance systems.
  - a. Carriers wishing to use their one-time waiver may elect to do so through the Commission's online Remittance System.
  - b. A carrier making its initial filing to any of the three funds may be granted, at the Commission's discretion, a one-time waiver of late fees and fines for more than one remittance period. If granted, this waiver will be the only waiver for that fund for which the carrier is eligible for the duration of its authority in Nebraska.
  - c. The Commission reserves the right to deny the waiver if it has reason to believe the carrier willfully violated filing requirements.
4. Late Filed Remittances: If a carrier files a remittance late and is not eligible for a one-time waiver, the following penalties will apply:
  - a. A late handling fee of \$100 will be automatically assessed for each late remittance.
  - b. Late handling fees will support the fund for which the late remittance was filed.
5. Complaint Procedure:
  - a. In the following circumstances, the relevant department of the Commission will open a complaint against the carrier, seeking an administrative fine of at least \$50 per violation and/or revocation of the carrier's operating authority:
    - i. If a carrier files on a monthly basis and files any single type of remittance late three or more times in a twelve-month period;
    - ii. If a carrier files on a quarterly basis and files a remittance late two or more times within a twelve-month period; or
    - iii. If a carrier files on an annual basis and files late for two consecutive remittance periods.
  - b. If the Commission has opened two or more complaints against a carrier within eighteen (18) months due to late remittance filings, regardless of the department bringing the complaint, that carrier will be considered a repeat offender.
    - i. Repeat offenders will be required to pay an additional administrative fine of at least one thousand dollars (\$1,000) for each subsequent late filing.
    - ii. The Commission reserves the right to increase the amount of the fine for willful or egregious offenses.

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- c. Complaints will be handled pursuant to the Commission's Rules of Procedure, 291 Neb. Admin. Code, Chapter 1. If a complaint has not been resolved within ninety (90) days of being opened, the Commission will schedule it for hearing.
- d. Administrative fines will be assessed in accordance with Commission statutes, including Neb. Rev. Stat. § 75-156. All administrative fines collected pursuant to this policy will support the common school fund.

### 6. Commission Approval:

- a. The opening of any formal complaints will be brought before the Commission for approval.
- b. The departments of the Commission shall have the ability to seek settlement of complaints with respondent carriers prior to hearing, provided that the assessed fines and fees agreed upon are not less than the minimum amounts set forth in the policies above.
- c. A complaint, once filed, may only be dismissed by the Commission.