

NEBRASKA PUBLIC SERVICE COMMISSION

COMMUNICATIONS DEPARTMENT ANNUAL REPORT FINING POLICY

The Nebraska Public Service Commission (“Commission”) hereby sets forth the following policies and procedures for its Communications Department (“Department”) to address late-filed annual reports.

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 Date: Annual reports shall be filed with the Commission on or before April 30 of each year, pursuant to Neb. Rev. Stat. § 75-116.
2. Penalty for Late Filed Reports: If a carrier files its annual report late, the following penalties will apply:
 - a. A grace period of five (5) days will apply, in which reports may be filed without penalty. If the first day following the grace period falls on a weekend or holiday, fines will begin to accrue the next business day.
 - b. Fines will accrue at ten dollars (\$10) per day for the first thirty (30) days that the report is late. Fines will accrue at one hundred dollars (\$100) per day for each day that the report is late thereafter.
 - c. A carrier that filed its report or renewal late in the preceding year will be considered a willful violator, and will be subject to additional fines of five hundred dollars (\$500) per authority.
 - d. Fines calculated under section (2)(b) may not exceed a maximum amount of \$3,000 per authority. Carriers who are considered willful violators may accrue fines calculated under (2)(c) in addition to this maximum amount.
 - e. Administrative fines will be assessed in accordance with Neb. Rev. Stat. § 75-156. All administrative fines collected pursuant to this policy will support the common school fund.
3. Hearing Procedure:
 - a. If the Department is unable to resolve the late-filed report under the fining policy set forth above, the Department will open a complaint against the carrier.
 - b. At the time a complaint is opened, the Department shall set a hearing date, to be held no later than July 31 of the year in which the annual report was due.
 - c. Complaints will be administered pursuant to the Commission’s Rules of Procedure, 291 Neb. Admin. Code, Chapter 1.

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4. Commission Approval:
 - a. The opening of any formal complaints will be brought before the Commission for approval.
 - b. The Department shall have the ability to seek settlement of complaints with respondent carriers prior to hearing.
 - c. A complaint, once filed, may only be dismissed by the Commission.
5. Waiver: Upon a written showing of exigent circumstances, and subject to the approval of the Commission, the Department may issue a waiver in lieu of a penalty to a carrier if the carrier has never previously filed its annual report late.