

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re Petition of the Regulatory Operations Staff for an)
Order to Show Cause why Pioneer Telephone should not) Docket No. 03-11016
Be found in violation of NRS 704.330.)
_____)

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on December 30, 2003.

PRESENT: Chairman Donald L. Soderberg
Commissioner Adriana Escobar Chanos
Commissioner Carl Linvill
Commission Secretary Crystal Jackson

ORDER

The Public Utilities Commission of Nevada (“Commission”) makes the following
findings of fact and conclusions of law:

I. Procedural History

1. On November 10, 2003, the Regulatory Operations Staff (“Staff”) of the
Commission filed a Petition for an Order to Show Cause why Telecom Management, Inc., d/b/a
Pioneer Telephone (“Pioneer”) should not be found in violation of Nevada Revised Statute
 (“NRS”) 704.330. This matter was designated by the Commission as Docket No. 03-11016.

2. Staff stated that it had received a complaint from a Nevada citizen against
Pioneer. In the process of investigating the complaint, Staff discovered that Pioneer did not
possess a Certificate of Public Convenience and Necessity (“CPC”) and that Pioneer was
soliciting customers from Nevada.

3. The Commission issued a public notice of this Complaint in accordance
with State law and the Commission’s Rules of Practice and Procedure. Pioneer and Staff filed
comments in this matter.

//

//

II. Comments of the Participants

A. Pioneer's Comments

4. On November 25, 2003, Pioneer filed a Response to Staff's Petition with the Commission. Pioneer argued that, upon receiving a copy of the Petition, it ceased soliciting customers within the state of Nevada. Additionally, Pioneer stated that it was in the process of obtaining certification from the Nevada Secretary of State pursuant to Nevada Administrative Code ("NAC") 704.7472(c) and would file an Application for a CPC with the Commission upon receipt of this certification.

B. Staff's Comments

5. On December 10, 2003, Staff filed with the Commission a Reply to Pioneer's Response. Staff asserted that given Pioneer's representations of having ceased soliciting customers within Nevada, the Commission should hold the Petition in abeyance for one month to provide Pioneer with reasonable time in which to file its Application for a CPC.

III. Commission Discussion and Findings

6. The Commission finds that there is probable cause to find a violation of the certification statute and that this matter should be set for further proceedings.

7. As a result, the Commission concludes that Staff's Petition is in the public interest and should be granted.

THEREFORE, based upon the foregoing findings and conclusions, it is hereby ORDERED that:

1. The Petition for an Order to Show Cause, filed by the Regulatory Operations Staff of the Commission in Docket No. 03-11016, is GRANTED.

2. This matter shall be set for further proceedings in accordance with paragraph 6 above.

//

//

3. The Commission retains jurisdiction for the purpose of correcting any errors which may have occurred in the drafting or issuance of this Order.

By the Commission,

DONALD L. SODERBERG, Chairman

ADRIANA ESCOBAR CHANOS, Commissioner

CARL LINVILL, Commissioner

Attest: _____
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

1-16-04
(SEAL)