

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NEXGEN INTEGRATED COMMUNICATIONS, L.L.C.	DOCKET NO. A-2014-3418
---	------------------------

ORDER ASSESSING CIVIL PENALTY

(Issued June 11, 2015)

On May 6, 2015, the Iowa Utilities Board (Board) issued an order finding that NexGen Integrated Communications, L.L.C. (NexGen), was in violation of the Board's rule at 199 IAC 23.1(2) for failing to file an annual report by April 1, 2015. As a public utility as defined in Iowa Code § 476.1, NexGen is required to file with the Board on or before April 1 of each year an annual report pursuant to Board rule 23.1(2).

In the May 6 order, the Board initiated a show cause proceeding to give NexGen an opportunity to contest the Board's finding of a violation and to show cause why the Board should not assess a civil penalty for the violation. The Board gave NexGen ten days from the date of the order (until May 16) to dispute the Board's finding of a violation or to submit any information NexGen believes would show cause why the Board should not assess a civil penalty. The Board also directed NexGen to file its annual report within ten days of the date of the order.

NexGen did not contest the Board's finding of a violation or make any filing to show cause why the Board should not assess a civil penalty for the violation.

NexGen waited until June 3, 2015, to file its annual report for calendar year 2014.

The Board has already found NexGen in violation of the Board's rule requiring the company to file an annual report by April 1 of each year, and NexGen did not dispute that finding. NexGen also violated the Board's May 6 order by not filing the annual report by May 16. NexGen has continued its pattern of failing to file its annual report on time, requiring the Board to expend resources to remind the company of its obligations. The Board finds this year's violation is significant and warrants a civil penalty.

The Board will assess NexGen a civil penalty for the violation in the amount of \$2500, pursuant to Iowa Code § 476.51(1). On or before July 13, 2015, NexGen shall either (1) pay the penalty by depositing a check in the U.S. Mail or (2) file a request with the Board for a hearing to contest the amount of the penalty. The Board notifies NexGen that future violations of Board rule 23.1(2) may result in revocation of NexGen's certificate of public convenience and necessity required to provide local exchange service.

IT IS THEREFORE ORDERED:

1. NexGen Integrated Communications, L.L.C., is assessed a civil penalty of \$2500 for failing to comply with 199 IAC 23.1(2) and failing to comply with the

Board's May 6, 2015, order notifying the company it was in violation of 199 IAC 23.1(2) and setting a date for compliance.

2. As discussed in the body of this order, on or before July 13, 2015, NexGen Integrated Communications, L.L.C., shall either pay the penalty or file a request for a hearing to contest the amount of the penalty.

3. Payment, in the form of a check made payable to the Iowa Utilities Board, should be forwarded to the Executive Secretary of the Iowa Utilities Board at 1375 East Court Avenue, Rm. 69, Des Moines, Iowa 50319-0069. Payment is due on or before July 13, 2015, unless NexGen Integrated Communications, L.L.C., files by July 13, 2015, a request for a hearing to contest the amount of the penalty.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Lynn R. Zook-Slagg
Executive Secretary, Assistant to

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 11th day of June 2015.