

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Petition of the Regulatory Operations Staff for an Order )  
to Show Cause why Total Telephone Concepts, Inc. )  
should be found in violation of NRS 704.330 and fined )  
pursuant to NRS 704.380. )  
\_\_\_\_\_ )

Docket No. 07-08011

At a general session of the Public Utilities  
Commission of Nevada, held at its offices  
on March 13, 2008.

PRESENT: Chairman Jo Ann P. Kelly  
Commissioner Rebecca D. Wagner  
Commissioner Sam A. Thompson  
Assistant Commission Secretary Donna Skau

**ORDER**

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

1. The Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("Commission") filed with the Commission a Petition, designated as Docket No. 07-08011, for an Order to Show Cause why Total Telephone Concepts, Inc. ("TTC") should not be found in violation of Nevada Revised Statute ("NRS") 704.330 and the Commission's Order in Docket No. 03-1030 and fined pursuant to NRS 703.380.

2. Although TTC's authority to provide telecommunications services was revoked in the Order in Docket No. 03-1030, Staff alleged that TTC is currently providing inmate phone services to the Lyon County Jail. Staff requested an order from the Commission directing TTC to stop providing telecommunication services within the state of Nevada and to impose an appropriate administrative fine upon TTC. If TTC were

DOCUMENT REVIEW AND APPROVAL ROUTING

DRAFTED BY: SAN CAMU

FINAL DRAFT ON 3/13/08 AT \_\_\_\_\_

REVIEWED & APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

ADMIN/ASST. ( \_\_\_\_\_ ) \_\_\_\_\_

COMM/COUNSEL SAN CAMU 3/13/08

SECRETARY/ASST. SEC \_\_\_\_\_

OTHER ( \_\_\_\_\_ ) \_\_\_\_\_

ordered to stop providing service, the Lyon County Jail would have to contract with a new provider of inmate phone services.

3. This Petition is filed pursuant to the Nevada Revised Statutes and the Nevada Administrative Code ("NAC"), Chapters 703 and 704, including but not limited to NAC 703.540.

4. At a duly noticed agenda meeting held on September 26, 2007, the Commission voted to accept General Counsel's recommendation to grant Regulatory Operation Staff of the Commission's Petition and issue an Order to Show Cause why TTC should not be found in violation of NRS 704.330 and fined pursuant to NRS 704.380, and the Commission's Order in Docket No. 03-1030.

5. The Commission has authority pursuant to NRS 703.380 to issue fines when appropriate after investigation and hearing.

6. An Order to Appear and Show Cause was issued and a hearing was held on February 19, 2008, regarding the allegations that TTC continues to provide telephone service following the revocation of their authority to provide telecommunications services in Docket No. 03-1030. TTC failed to appear at the hearing.

7. Staff presented evidence at the hearing showing that TTC was notified of the Petition for Order to Show Cause, the Order to Show Cause and the hearing. Exhibits 1-4. The Presiding Officer found that the notice requirements of NRS 233B.121 were met and allowed the hearing to proceed with TTC *in absentia*. TTC had notice of the hearing and an opportunity to respond and present evidence yet failed to attend and do so.

8. Staff further presented evidence that TTC's authority to provide telecommunications services was revoked in the June 18, 2003, Order in Docket No. 03-

1030 (Exhibit 1 Attachment 7) and that TTC is currently providing telephone service to the Lyon County Jail pursuant to a contract that was signed November 14, 2006, over three years after TTC's authority to provide telecommunications services was revoked. Exhibit 5.

9. Administrative Notice was taken of the pleadings and papers involved in two previous Commission Dockets: Docket No. 00-12004 (wherein TTC was initially issued a Certificate of Public Convenience and Necessity); and Docket No 03-1030 (wherein TTC's Certificate of Public Convenience and Necessity was revoked).

10. The Commission finds that TTC is in violation of NRS 704.330 by providing service to the Lyon County Jail without a Certificate of Public Convenience and Necessity.

11. NRS 703.380 indicates that a fine of up to \$1,000.00 per day, not to exceed \$100,000.00 for a related series of violations can be applied. Based on the fact that TTC did not attempt to achieve compliance at any time after June 18, 2003, that TTC intentionally entered into a contract to provide service without authority to do so, and due to the gravity of the violation, the Commission finds that the maximum fine of \$100,000.00 is appropriate in the present action.

THEREFORE, based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. Total Telephone Concepts, Inc., is found IN VIOLATION of Nevada Revised Statute 704.330 and the Commission's Order in Docket No. 03-1030 and is,

therefore, FINED pursuant to Nevada Revised Statute 703.380 in the amount of \$100,000.00.

2. 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.

*Jo Ann P. Kelly*  
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JO ANN P. KELLY  
Chairman

*Rebecca D. Wagner*  
\_\_\_\_\_  
REBECCA D. WAGNER  
Commissioner

*Sam A. Thompson*  
\_\_\_\_\_  
SAM A. THOMPSON  
Commissioner and Presiding Officer

Attest: *Crystal Jackson Acting*  
*for* CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL) 3/17/08

