

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of) Application No. 911-029.04
the Nebraska Telecommunications)
Infrastructure and Public Safety)
Department of the Nebraska)
Public Service Commission,)
)
Complainant,) ORDER TO DISMISS
v.)
)
Verizon Wireless)
)
Respondent.) Entered: September 5, 2007

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By Petition dated July 24, 2007, Jeffrey L. Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS) (hereinafter "Complainant") of the Nebraska Public Service Commission (Commission) filed a Complaint against Verizon Wireless (hereinafter "Respondent") alleging that Respondent failed to notify the Commission prior to activating wireless enhanced 911 service in relation to a cell tower testing conducted in Hall County.

After further investigation it was determined that the cell site in question was one of several cell sites being constructed in the area and was not fully implemented on July 16, 2007. Instead the tower was implemented to provide 911 service at a Phase 0 level and that the cell site would be fully tested at a later date when full implementation took place.

The Complainant and Respondent have since agreed to be bound by the terms of a stipulation filed under this docket, including Respondent's assurance that it will notify the Commission of future cell sites that are implemented at a Phase 0 level and that the cell site in question will be tested consistent with Progression Order No. 5. The Complainant agreed not to seek administrative fines at this time. Should Respondent fail to properly test and notify the Commission consistent with Commission orders, rules and regulations and statutes, the Complainant may seek administrative fines as permitted by law.

The Complainant and Respondent jointly requested that the Commission enter an order in this docket dismissing Respondent and releasing Respondent from any further proceedings in relation to Application No. 911-029.04.

The Commission finds that the Complaint in Application No. 911-029.04 should be dismissed and the stipulation approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Stipulation in Application No. 911-029.04 is approved.

IT IS FURTHER ORDERED the Complaint in Application No. 911-029.04 is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of September, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director