

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the ) Application No. 911-030.09  
Nebraska Telecommunications )  
Infrastructure and Public Safety )  
Department of the Nebraska )  
Public Service Commission, )  
)  
Complainant, ) ORDER TO DISMISS  
v. )  
)  
Action Communications, Inc., )  
Scottsbluff, )  
)  
Respondent. )  
) Entered: November 24, 2008

BY THE COMMISSION:

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

On November 5, 2008, Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS) (hereinafter "Complainant") of the Nebraska Public Service Commission (Commission) filed a Complaint against Action Communications, Inc., Scottsbluff, Nebraska (hereinafter "Respondent") alleging that Respondent failed to timely file with the Commission, its Quarterly Report due October 15, 2008, pursuant to Neb. Rev. Stat. § 86-459(2)(Cum. Supp. 2006).

Subsequent to the Complaint, Complainant learned that Respondent does not provide wireless service in Nebraska. Since Respondent does not provide wireless service, Respondent is not required to submit a quarterly report to the Commission pursuant to § 86-459(2). Therefore, the Complaint should be dismissed.

The Commission finds that the Complaint should be dismissed against the Respondent. Respondent is released from any further proceedings in relation to Application No. 911-030.09.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint in Application No. 911-030.09, is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of  
November, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Deputy Director