

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the)	Application No. 911-030.25
Nebraska Telecommunications)	
Infrastructure and Public Safety)	
Department of the Nebraska)	
Public Service Commission,)	
)	
Complainant,)	ORDER TO DISMISS
v.)	
)	
Atrium Wireless Partners, LLC,)	
Whippany, New Jersey,)	
)	
Respondent.)	
)	Entered: February 24, 2009

BY THE COMMISSION:

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

On or about January 27, 2009, 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 Atrium Wireless Partners, LLC, Whippany, New Jersey, (hereinafter "Respondent") alleging that Respondent failed to timely file its Quarterly Report due January 15, 2009, pursuant to Neb. Rev. Stat. § 86-459(2)(2008).

Subsequent to the complaint, Respondent alleged that the late filing was due to a miscommunication between the carrier and the third-party filer. Respondent has requested a waiver of the fines and penalties as this was a first offense and steps have been taken to resolve the issue in the future. Respondent has assured the Commission that it will henceforth provide the required reports in a timely fashion. Therefore, the Commission finds that the Complaint should be dismissed and shall grant Respondent a one-time waiver from potential administrative fines and fees.

Respondent is on notice that should it fail to timely make future filings, administrative fines and costs may be imposed. Respondent is released from any further proceedings in relation to Application No. 911-030.25.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint in Application No. 911-030.25 is hereby dismissed and, that the waiver is approved.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of February, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director