

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission) Application No. NUSF-32
on its own motion, seeking to)
conduct an inquiry into the)
failure of various companies to) ORDER ACCEPTING STIPULATION
comply with Commission Orders) AND DISMISSING SHOW CAUSE
and, at its own discretion,)
impose administrative fines)
against the named defendants.) Entered: August 24, 2004

APPEARANCES:

For NE Colorado Cellular, Inc. d/b/a Viaero Wireless.
Loel Brooks
Brooks, Pansing Brooks, PC, LLO
984 Wells Fargo Center
1248 O Street
Lincoln, NE 68508

For the Commission Staff:
Shana Knutson
300 The Atrium
1200 N Street
Lincoln, NE 68508

BY THE COMMISSION:

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

On February 18, 2004, the Commission opened the above-captioned docket initiating a show cause proceeding against certain carriers for failing to timely file their remittance audit in accordance with NUSF-1, Progression Order No. 7 as expanded and extended by NUSF-33, Progression Order No. 1 and Title 291, Chapter 10, Rule 003.05 of the Nebraska Administrative Code.

A show cause hearing was held on March 23, 2004. NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero), appeared through its local counsel, Mr. Loel Brooks. The remittance audit and a stipulated civil penalty of \$3,300.00 have been received by the NUSF Department and the parties are therefore requesting dismissal pursuant to the terms of the stipulation. Upon review of the agreement and the receipt of the civil penalty, the Commission is of the opinion and finds that the Show Cause proceeding against Viaero, should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the terms of the Stipulation are approved and the Show Cause initiated against Viaero in the above captioned docket should be and it is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of August, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell Johnson
Anne C. Boyle
Rob Johnson

//s// Frank E. Landis

//s// Gerald L. Vap

Chairman

Gerald F. Vap

ATTEST:

And S Pollock
Executive Director