

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Sue Vanicek,	)	Application No. NUSF-37.244
Director of the Nebraska	)	
Telecommunications	)	
Infrastructure and Public Safety	)	
Department of the Nebraska	)	
Public Service Commission,	)	
	)	
Complainant,	)	DISMISSED
	)	
v.	)	
	)	
	)	
Zito Midwest, LLC,	)	
	)	
Respondent(s).	)	Entered: March 6, 2012

BY THE COMMISSION:

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

On March 15, 2011, the Nebraska Telecommunications Infrastructure and Public Safety (NTIPS) Director filed a Complaint against Zito Midwest, LLC, (Respondent) seeking to fine Respondent on the grounds that it failed to file the required remittance worksheet or remittance payment by the 15<sup>th</sup> day following the end of the remittance period pursuant to section 003.02 and/or section 003.03 of Title 291, Neb. Admin. Rules & Regs. Chapter 10.

In a letter received by the Department the Respondent has requested a waiver of the above-captioned Complaint as said Complaint was the first Complaint filed against the Respondent for late-filed NUSF remittances. Pursuant to the Commission's Late-filed Remittance Policy and Procedures, the Respondent is eligible for a one-time waiver and NTIPS recommends the administrative fines and penalties be waived and the complaint dismissed. Upon review the Commission is of the opinion and finds that the NTIPS Department recommendation should be approved and the Complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaint against Zito Midwest, LLC, be, and is hereby, dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 6<sup>th</sup> day of March, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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PAGE 2

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Tim Schwan*

Chairman

*Rod Johnson*

*Kenn Boyle*

ATTEST:

*Guadalupe L. Vega*

*Michelle*

Executive Director

//s// Rod Johnson