

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Sue Vanicek ) Application No. NUSF-37.332  
Director of the Nebraska )  
Telecommunications )  
Infrastructure and Public Safety )  
Department of the Nebraska )  
Public Service Commission, )  
 ) DISMISSED  
Complainant, )  
v. )  
 )  
X5 OpCo, LLC, )  
 )  
Respondent(s). ) Entered: May 25, 2016

BY THE COMMISSION:

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

On May 10, 2016, the Nebraska Telecommunications Infrastructure and Public Safety (NTIPS) Director filed a Complaint against X5 OpCo, 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.

On May 19, 2016, the Department received a request from the Respondent for 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 X5 OpCo, LLC, be, and is hereby, dismissed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25<sup>th</sup> day of May, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald J. Vop*  
*Crystal Knodes*  
*Frank E. Landis*  
//s//Frank E. Landis  
//s//Tim Schram

*Tim Schram*  
Chairman

ATTEST:

*Jeffrey L. Puley*  
Executive Director