

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of)	Application No. NUSF-38/
the Nebraska Universal Service)	911-008/
Fund Department and Kara J.)	DC-65
Thielen, Director of the)	
Nebraska Public Service)	
Wireless E911 Department,)	
)	
Complainants,)	COMPLAINT DISMISSED
v.)	
)	
TracFone Wireless, Inc., Miami,)	
Florida)	
)	
Respondent.)	November 9, 2004

BY THE COMMISSION:

On November 18, 2003, the Departments filed a Complaint, seeking to fine TracFone Wireless, Inc. (TracFone) for failure to timely and accurately file its NUSF Remittance and/or Remittance Worksheets as prescribed by Title 291, NAC Ch. 10 of the Commission's Rules and Regulations and other Commission orders with respect to remittances for the months of May, 2003; June, 2003; July, 2003; August, 2003 and September, 2003.

TracFone has now filed the required remittance payments and worksheets and the additional data information requested by the Commission. Based upon the information provided by TracFone and the records maintained by the Commission, TracFone is entitled to a credit against future payments to Nebraska Universal Service Fund (NUSF) and the Wireless Enhanced 911 Fund in the amount of **\$32,460.53**. Said credit should be made against future payments to NUSF and the Wireless Enhance 911 Fund until the credit is depleted.

The Departments and TracFone have entered into a stipulation requesting that the Commission dismiss the complaint filed against TracFone and, that TracFone be credited in the amount stated above. TracFone has agreed that it will timely file its remittance payments and worksheets, as required by the Commission and, ensure that all future worksheets will accurately reflect amounts due and any credits or adjustments made.

The Commission has reviewed the terms and conditions of the Stipulation and finds that the Stipulation will fairly and reasonably resolve this complaint and that it should be approved. The Commission further finds that TracFone should be credited in the amount of **\$32,460.53**. Said credit should be made against future payments to NUSF and the Wireless Enhance 911 Fund until the credit is depleted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the terms and conditions of the Stipulation shall be and are hereby approved,

IT IS FURTHER ORDERED that TracFone should be credited in the amount of **\$32,460.53**. Said credit should be made against future payments to NUSF and the Wireless Enhance 911 Fund until the credit is depleted.

IT IS FURTHER ORDERED that TracFone will timely file its remittance payments and worksheets, as required by the Commission and, ensure that those worksheets accurately reflect amounts due and any credits or adjustments made.

IT IS FINALLY ORDERED that NUSF-38/911-008/DC-65 is dismissed.

MADE AND ENTERED at Lincoln, Nebraska this 9th day of November, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director