

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the	)	Application No. 911-029.07
Nebraska Telecommunications	)	
Infrastructure and Public Safety	)	
Department of the Nebraska	)	
Public Service Commission,	)	
	)	
Complainant,	)	ORDER TO DISMISS
v.	)	
	)	
Alltel Communications of	)	
Nebraska, Lincoln,	)	
	)	
Respondent.	)	Filed: February 24, 2009

BY THE COMMISSION:

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

By Complaint filed on February 7, 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 Alltel Communications of Nebraska, Lincoln (hereinafter "Respondent") alleging that Respondent failed to notify the Commission of the testing of a wireless tower site in Washington County, conducted in December 2008.

The Respondent has since provided additional information regarding the testing and failure to notify. Based upon the information provided and the fact that this was a first offense, Respondent requested that the complaint be dismissed and all fines and penalties be waived.

Respondent has assured the Department that it will provide written notification to the Commission prior to any cell tower testing. The Complainant and Respondent jointly request that the Commission enter an order in this docket dismissing Respondent and releasing Respondent from any further proceedings in relation to Application No. 911-029.07.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint in Application No. 911-029.07 is hereby dismissed and all fines and penalties are waived.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director