

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Sue Vanicek, Director of the	)	Application No. 911-029.08
Nebraska Telecommunications	)	
Infrastructure and Public Safety	)	
Department of the Nebraska	)	
Public Service Commission,	)	
	)	ORDER APPROVING STIPULATION
Complainant,	)	AND DISMISSING COMPLAINT
v.	)	
	)	
NE Colorado Cellular, Inc,	)	
d/b/a Viaero Wireless,	)	
	)	
Respondent(s).	)	Entered: June 15, 2010

BY THE COMMISSION:

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

On May 4, 2010, 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 NE Colorado Cellular, Inc. d/b/a Viaero Wireless (hereinafter "Respondent") alleging that Respondent failed to establish a schedule for testing prior to activating wireless enhanced 911 service in relation to a cell tower testing conducted on April 1, 2010.

A copy of the complaint was mailed to Respondent, via certified mail, on May 6, 2010.

The Complainant and Respondent have since agreed to be bound by the terms of a stipulation filed under this docket, including the payment by Respondent of an administrative fine and an administrative fee consistent with Neb. Rev. Stat. § 75-156 and § 86-459(5) in the amount of **one thousand dollars (\$1,000.00)** plus **one hundred dollars (\$100.00)** respectively. Respondent also agreed that it would henceforth establish a schedule for testing prior to activating wireless enhanced 911 service in relation to a cell tower testing and provide written notification to the Commission prior to any cell tower testing. The Complainant and Respondent jointly requested that the Commission enter an order in this docket dismissing Respondent and releasing Respondent from any further proceedings in relation to Application No. 911-029.08.

The Commission finds that the stipulation should be approved and that the Complaint should be dismissed against

Respondent. Respondent is released from any further proceedings in relation to Application No. 911-029.08.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint in Application No. 911-029.08 is hereby dismissed and that the stipulation is approved.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of June, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice-Chairman

ATTEST:

Executive Director