

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of)	Application No. 911-030.02
the Nebraska Telecommunications)	
Infrastructure and Public Safety)	
Department of the Nebraska)	
Public Service Commission,)	
)	
Complainant,)	ORDER TO DISMISS
v.)	
)	
Viaero Wireless,)	
)	
Respondent.)	
)	
)	Entered: September 18, 2007

BY THE COMMISSION:

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

On September 11, 2007, Jeffrey L. Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS) (hereinafter "Complainant") of the Nebraska Public Service Commission (Commission) filed a Complaint against Viaero Wireless (hereinafter "Respondent") alleging that Respondent failed to file its Quarterly Report pursuant to Neb. Rev. Stat. § 86-459(2)(Cum. Supp. 2006) for the second quarter of 2007.

Since the filing of the complaint, Respondent has filed the appropriate report and provided additional information regarding the late filing. Based upon the additional information and the fact that Respondent has in the past filed the reports in a timely fashion, the Commission finds that any administrative fines should be waived and the complaint dismissed. Respondent is on notice that should it fail to timely make future filings that administrative fines and costs may be imposed.

Respondent has assured the Commission that it will henceforth provide the required reports in a timely fashion. Respondent is released from any further proceedings in relation to Application No. 911-030.02.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint in Application No. 911-030.02 is hereby dismissed and that any administrative fines are waived.

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of
September, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director