

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Cullen Robbins, Director, ) Application No. NUSF-37.370  
Nebraska Universal Service Fund )  
Department of the Nebraska )  
Public Service Commission, )  
 )  
Complainant, ) ORDER OF DISMISSAL  
v. )  
 )  
Inventive Wireless of Nebraska, )  
LLC d/b/a Vistabeam, )  
 )  
Respondent. ) Filed: August 6, 2019

BY THE COMMISSION:

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

On January 29, 2019, the Nebraska Universal Service Fund ("NUSF") Department of the Nebraska Public Service Commission ("the Department") filed a Complaint against Inventive Wireless of Nebraska, LLC d/b/a Vistabeam (hereinafter "Respondent"), seeking to fine Respondent on the grounds that since it began providing Voice over Internet Protocol ("VoIP") services in Nebraska in March 2008, it had never remitted NUSF surcharge funds as required by Nebraska statutes and Commission regulations. See Neb. Rev. Stat. §§ 86-316 - 329 and 291 Neb. Admin. Code, Chapter 10.

Since the Complaint in this matter was entered, the Respondent has entered into a stipulated agreement with the Department resolving the allegations contained in the Complaint. Pursuant to this agreement, Respondent has paid fines and late-handling fees in the amounts of NUSF funds it improperly collected and failed to remit, and including additional civil penalties determined by the Commission. The Respondent further agreed that it will not be eligible for any future waivers of fines and fees for late or missed NUSF filings with the Commission. Also pursuant to the agreement, the Department and Respondent have jointly requested the Commission to enter an order in this docket dismissing the Complaint and releasing Respondent from further compliance obligations regarding the NUSF remittance payments and worksheets for the remittance periods of March 2008 through March 2019.

The Commission does not regard the conduct of the Respondent described in this Complaint lightly. However, given the Respondent's cooperation in resolving this matter, and the amount of the additional penalties agreed to pursuant to the stipulated

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agreement, the Commission finds that resolution of this Complaint is appropriate at this time. The Commission therefore finds that the stipulation in this matter is reasonable and in accordance with Commission policy, and that the Complaint in this matter should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation between Inventive Wireless of Nebraska, LLC d/b/a Vistabeam and the Nebraska Universal Service Fund Department of the Public Service Commission be approved and the above-captioned Complaint be dismissed.

IT IS FURTHER ORDERED that Inventive Wireless of Nebraska, LLC d/b/a Vistabeam will not be eligible for any future waivers of fines and fees for late or missed NUSF filings with the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day of August, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Crystal Knodes*  
*Don Wagner*  
*Tim Schram*

*Mary Redden*

Chair

ATTEST:

*Michael H. H.*

Executive Director