

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

N.E. COLORADO CELLULAR, INC.	)	Application No. FC-1366
D/B/A VIAERO WIRELESS,	)	
	)	
Complainant,	)	
	)	
v.	)	ORDER OF PENDING DISMISSAL
	)	
QWEST CORPORATION D/B/A	)	
CENTURYLINK QC AND UNITED	)	
TELEPHONE COMPANY OF THE WEST	)	
D/B/A CENTURYLINK,	)	
	)	
Defendants.	)	Entered: January 5, 2021

BY THE COMMISSION:

On July 12, 2017, N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) filed a Formal Complaint against Qwest Corporation d/b/a CenturyLink QC and United Telephone Company of the West d/b/a CenturyLink (CenturyLink) alleging CenturyLink's network was inadequate and unreliable and that it failed to timely respond to a service outage. On August 3, 2017 CenturyLink filed its Answer and a Motion to Dismiss.

On August 30, 2017, the Hearing Officer in this matter scheduled a planning conference for September 6, 2017 to set a proposed procedural schedule. On September 7, 2017, Viaero and CenturyLink requested a continuance of the planning conference. The planning conference was continued to October 10, 2017. On October 9, 2017, Viaero and CenturyLink mutually requested a second continuance of the planning conference scheduled in this matter. Counsel for the parties represented to the Commission that ongoing negotiations were being held and that it would keep the Commission updated as to the progress.

As of the date of this Order, the Commission has received no record activity from either party that would bring this matter to a resolution. Therefore, we find that a deadline for action to be taken by the Complainant in this docket should be set. The Complainant has until **February 5, 2021** to file a status report and a notice of its intent to pursue this Complaint. Otherwise, the Commission will dismiss the Complaint for failure to prosecute.

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## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complainant fails to take action by filing a status report and by notifying the Commission of its intent to pursue this matter on or before **February 5, 2021**, the Commission will exercise its authority and enter an order dismissing the Complaint.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 5th day of January, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chair

ATTEST:

  
Executive Director