

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. NUSF-92.56  
Public Service Commission, on its )  
own motion, seeking to administer )  
the Nebraska Universal Service )  
Fund's Broadband Program: ) ORDER GRANTNG RELOCATION  
Application to the Nebraska ) REQUEST  
Broadband Program received from )  
N.E. Colorado Cellular, Inc., )  
d/b/a Viaero Wireless. ) Entered: November 2, 2021

BY THE COMMISSION:

By order entered on June 2, 2020, the Commission granted an Application filed by N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (Viaero Wireless or Applicant), seeking support from the Nebraska Universal Service Fund (NUSF) dedicated wireless program. The Commission allocated \$5.2 million for the 2019 NUSF calendar funding year in which this Application was filed. The Commission approved support for the following towers in Viaero Wireless' Application: Cordova, Loma, Lushton, Stockham, and Worms.

Viaero Wireless subsequently notified the Commission that it was unable to secure a building permit for the Lushton location. Viaero Wireless had been working for more than a year to construct a new tower near Lushton, Nebraska. However, the Village of Lushton denied the necessary permits on both an initial review and a subsequent appeal. As a result, Viaero Wireless now seeks approval for an alternative site near Polk, Nebraska. This site was included in the original Application and was eligible but did not receive support due to the exhaustion of allocated wireless fund support for 2019.

In support of its request, Viaero Wireless refers to its previously filed NUSF-92.56 Application, wherein the Polk location was submitted for consideration to the Commission. In its Application, Viaero Wireless provided information for Polk, including a map, shape files, census blocks, traffic information, longitude and latitude coordinates, and a budget. The Commission staff has determined that the alternative location meets all the criteria utilized in the determination of dedicated wireless

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support. Accordingly, the staff recommends approval of this change.

Based upon the information provided, the Commission finds the request by Viaero Wireless should be approved. With this approval, Viaero Wireless shall be required to complete the project within two years from the date this Order is entered.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the request to relocate the tower site filed by Viaero Wireless shall be and it is hereby granted, as provided herein.

IT IS FURTHER ORDERED that Viaero Wireless shall continue to be subject to all other terms and conditions adopted in the June 2, 2020 Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 2nd day of November, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rob Johnson*  
*Crystal Broadus*  
*Mary Kadden*  
*Tim Schram*

*Don Watson*  
Chair

ATTEST:

*Shanice Khutson*  
Deputy Director