

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of) Application No. C-3324
N.E. Colorado Cellular, Inc.,)
d/b/a Viaero Wireless, Fort)
Morgan, Colorado, for) MOTION TO COMPEL DENIED
designation as an Eligible)
Telecommunications Carrier under) Entered: July 25, 2006
47 U.S.C. § 214(e)(2).

APPEARANCES:

For N.E. Colorado Cellular, Inc.
d/b/a Viaero Wireless:
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For the Commission:
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BY THE COMMISSION:

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

On July 11, 2006, The Rural Telephone Companies (Protestants), by counsel, moved the Nebraska Public Service Commission (Commission) to order N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero), Fort Morgan, Colorado, to serve upon all parties to the above-captioned proceeding "all documents that were required to be filed by Applicant as part of this proceeding." Specifically, the Protestants requested the Commission require Viaero to serve on all parties a copy of the five-year plan ordered to be filed by the Commission's designation order entered on October 18, 2005.

Oral argument was held on the Motion for Order Compelling Service of Document (Motion) on July 19, 2006. Appearances by counsel were as indicated above.

Upon consideration of the Motion and the arguments presented, the Commission is of the opinion and finds the Motion should be denied. The Commission's October 18, 2005, Order required Viaero to file with the Commission a five-year plan on or before March 15, 2006. In that order, the Commission did not specifically require Viaero to serve the five-year plan on the Protestants, nor did the Commission mean to implicitly require service of the five-year plan on Protestants.

In addition, the Commission does not believe the five-year plans filed post-ETC designation should be subject to continued review by the parties to an ETC proceeding. The Commission is able to independently review the five-year plans filed to determine whether the plans are sufficient, serve the public interest, and otherwise meet the goals of the federal Act.

The Commission considered this proceeding closed as of its October 2005 decision and that all matters germane to this application were addressed. No further matters in this application will be heard.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Order Compelling Service of Document shall be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska this 25th day of July, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director