

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-4685/NUSF-97
of TAG Mobile, LLC, Carrollton,)	
Texas, seeking authority for)	MOTION TO SUSPEND GRANTED
designation as a non-rural)	
wireless Eligible)	
Telecommunications Carrier.)	Entered: February 12, 2015
)	

BY THE HEARING OFFICER:

On May 19, 2014, TAG Mobile, LLC (TAG or Applicant) of Carrollton, Texas, filed an application seeking designation as a non-rural wireless Eligible Telecommunications Carrier for the purpose of receiving support from the federal Universal Service Fund and from the Nebraska Telephone Assistance Program (NTAP). Notice of the application appeared in the Daily Record, Omaha, Nebraska on May 23, 2014. On June 23, 2014, N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) filed a Petition for Formal Intervention. On August 12, 2014, the Commission granted Viaero's Petition.

On October 17, 2014, Viaero propounded its discovery requests to Applicant pursuant to the Commission's Planning Conference Order in this matter. On November 7, 2014 TAG filed a Motion for Protective Order with respect to the certain Viaero data requests ("Disputed Requests"). On November 10, 2014, Viaero filed an Objection to the Motion and a request for oral argument. Oral arguments were heard on November 24, 2014.

On December 2, 2014, the Hearing Officer issued an Order granting TAG's Motion for a Protective Order in part and denying it in part ("Discovery Order"). On January 9, 2015, TAG filed supplemental responses to Viaero's Discovery Requests, but concurrently filed a Motion for Amended Protective Order and objections to certain Disputed Requests.

In response, on January 16, 2015, Viaero filed an Objection to TAG's Motion for Amended Protective Order and also filed a Motion to Compel Responses to Certain Data Requests ("Motion to Compel"). A hearing on Viaero's Motion to Compel and TAG's Motion for Amended Protective Order was held on January 21, 2015.

On January 22, 2015 the Hearing Officer entered an Order denying TAG's Motion for Amended Protective Order and granting Viaero's Motion to Compel. TAG was given until February 2, 2015 to provide responses to Viaero's Discovery Requests.

On February 3, 2015, counsel for Viaero contacted counsel for TAG and was informed that TAG has received, reviewed and considered the Commission's January 22, 2015 Order and the previous Discovery Order, but has determined that TAG does not intend to provide any further information to Viaero in response to Viaero's Discovery Requests. TAG indicated that it would, if requested, provide such information to the Commission only.

On February 4, 2015, Viaero filed a Motion to Suspend Procedural Schedule and Request for Hearing. In support of its Motion, Viaero stated that as a result of TAG's failure and refusal to comply with the Commission's January 22, 2015 Order, Viaero does not have all of the discovery information it seeks from TAG and therefore, cannot prepare its direct testimony due on February 16, 2015.

Based on the statements made by Viaero in its Motion, I am of the opinion and find the Motion should be granted, in part, and the Procedural Schedule should be suspended until further Order of the Commission. The hearing currently scheduled for February 25, 2015, is hereby continued until a date later to be determined. TAG has until February 19, 2015, to demonstrate compliance with my Order of January 22, 2015, or it may be subject to further action by the Commission, including but not limited to, an Order to Show Cause as to why the application should not be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned docket that the Motion to Suspend Procedural Schedule and Request for Hearing shall be and it is hereby granted to the extent provided herein.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of February, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

By: _____
Tim Schram
Hearing Officer

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