

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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 FOR RECONSIDERATION
designation as a non-rural) DENIED
wireless Eligible)
Telecommunications Carrier.) Entered: April 3, 2015

BY THE HEARING OFFICER:

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

This matter comes before the Commission on TAG Mobile, LLC's ("Applicant's") Motion for Reconsideration of the January 22, 2015, decision to deny the Motion to Amend the Protective Order. In the Applicant's Motion to Amend the Protective Order, the Applicant requested further protective treatment of what it considered highly confidential information sought by the Intervenor, N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero), in its discovery requests. An oral argument on that Motion was heard on January 21, 2015, in the Commission Niobrara Conference Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska. On January 22, 2015, I denied the Motion to Amend the Protective Order but I granted the Motion to Strike certain Nondisclosure Agreements.¹ I ordered responses to the disputed Viaero Data Requests to be filed by Applicant on February 2, 2015. The Commission was later informed by Viaero that Applicant determined that it would not file the responses to its data requests as ordered.

Subsequently, upon Applicant's request, I extended the compliance deadline while Applicant retained new local counsel. Applicant filed some but not all of the responses to Viaero's data requests on March 12, 2015. I extended the compliance deadline to March 27, 2015. Applicant's Motion for Reconsideration was filed on March 27, 2015. Viaero filed a Motion in Opposition to the Motion for Reconsideration on March 31, 2015.

Applicant again argues Request Nos. 3, 11, 15, 19, 20, 21, 31, and 43 warrant further protective treatment. I disagree. I find the current process for safeguarding confidential material to be sufficient.

¹ I note that only two individuals for the Intervenor would have access to the confidential information, both of whom are attorneys licensed to practice in Nebraska.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-4685/NUSF-97

Page 2

I remind Applicant that it is seeking a public benefit. Accordingly, it should be mindful of the Commission's need for a transparent and considerate review of its application.

Upon review of Applicant's Motion for Reconsideration, Viaero's Opposition, the information sought in the disputed data requests, and my prior ruling on this matter, I am of the opinion and find the Motion for Reconsideration should be denied.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the Motion for Reconsideration be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of April, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

By:



Tim Schram
Hearing Officer