

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission) Application No. NUSF-32.04
on its own motion, seeking to)
conduct an inquiry into the)
failure of various companies to) ORDER DISMISSING TRACFONE
comply with Commission Orders) WIRELESS INC.
and, at its own discretion,)
impose administrative fines)
against the named defendants.) Entered: July 12, 2005

BY THE COMMISSION:

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

By Order dated March 22, 2005 the Commission, on its own motion, sought to conduct an inquiry into the failure of various companies to comply with Commission Orders and, at its own discretion, impose administrative fines against the named defendant, Tracfone Wireless, Inc. (hereinafter "Tracfone") alleging that Tracfone failed to comply with an order in Application No. NUSF-1, Progression Order No. 7 (Progression Order No. 7), requiring that all companies whose revenues, which are subject to assessment of the Nebraska Universal Service Fund (NUSF) surcharge, which are greater than \$1,000,000 in a NUSF fiscal year, shall have all information used for the determination of intrastate retail telecommunications services revenue subject to the NUSF surcharge, audited on an annual basis. This audit is to be performed by an independent third party, with audit results for a calendar year being due before the end of the next calendar year. At the time the Order in NUSF-32.04 was entered, the Commission had failed to receive the required information from Tracfone.

A copy of the Order was mailed to Tracfone, by certified mail, on March 23, 2005.

Tracfone subsequently resolved the delinquency with the NUSF Department. In consideration thereof, the Commission is of the opinion and finds that the Complaint should be dismissed as satisfied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Order to Show Cause against Tracfone Wireless, Inc., in Docket NUSF-32.04, be and is hereby, dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of July, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director