

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	) Application No. NUSF-69.12
Public Service Commission,	)
on its own Motion, seeking to	)
implement policies and procedures	)
related to providing dedicated	) MODIFICATION REQUEST
universal service support for	) GRANTED
wireless telecommunications	)
services: Petition received June 1,	)
2012 from N.E. Colorado Cellular,	)
Inc., d/b/a Viaero Wireless.	) Entered: August 19, 2014

BY THE COMMISSION:

By Petition filed June 1, 2012, N.E. Colorado Cellular Inc. d/b/a Viaero Wireless (Viaero), sought support from the Nebraska Universal Service Fund (NUSF) dedicated wireless program. Notice of the application appeared in the Daily Record, Omaha, Nebraska on June 7, 2012. The Commission allocated \$5 million for the 2011 NUSF calendar funding year in which this Petition was filed. On July 6, 2012, United States Cellular Corporation (US Cellular) filed a Petition seeking Formal Intervention. The Petition of Formal Intervention was granted by the Commission on July 17, 2012.

A public hearing on the application was held on December 4, 2012, in Lincoln, Nebraska in conjunction with Docket No. NUSF-69.11. On January 15, 2013, the Commission granted the application, in part, approving funding for the following ten tower sites: **Chadron South, Ellsworth North, Grant South, Harrisburg West, Harrison North, Keystone, Laurel North, Mullen North, Rushville North, and Wayne South** in an amount totaling \$3,703,984 or the **actual cost** of construction for the ten sites. The remaining requested tower sites received no funding, as the Commission's allocation of \$5 million for dedicated wireless program support for the 2012 calendar year was exhausted.

Viaero subsequently notified the Commission that it was unable to secure land for the **Ellsworth North** tower at the exact location described in its Petition. On April 30, 2014, Viaero requested support for an alternative site near the Ellsworth North tower site. On August 1, 2014, Viaero and the Nebraska Telecommunications Infrastructure and Public Safety Department (Department) entered into a stipulated agreement whereby Viaero agreed that, in exchange for the Department's support of the modification Viaero would not seek or receive additional support

from the Program for the 2012 year, other than the funding amounts originally awarded.

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

After receiving Viaero's request, the Commission staff reviewed the alternative tower location using the same methodology adopted by the Commission in its previous findings in dedicated wireless fund orders in the 2012 funding year. The Commission staff then determined the alternative site was eligible for and would have received dedicated wireless fund support. Subsequently, the NTIPS Department and Viaero entered into the August 1, 2014 stipulation whereby Viaero and the NTIPS Department agreed that the support amount would not be changed as a result of this modification. In consideration of the specific circumstances presented in this case, the Commission is of the opinion and finds the stipulated agreement between the NTIPS Department and Viaero should be approved. The Commission further finds Viaero's request for support of the alternative tower site should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation between the NTIPS Department and N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless be and it is hereby approved.

IT IS FURTHER ORDERED that the modification request filed by N.E. Colorado Cellular Inc. d/b/a Viaero Wireless shall be and it is hereby granted as provided herein.

MADE AND ENTERED at Lincoln, Nebraska this 19th day of August, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

from the Program for the 2012 year, other than the funding amounts originally awarded.

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

After receiving Viaero's request, the Commission staff reviewed the alternative tower location using the same methodology adopted by the Commission in its previous findings in dedicated wireless fund orders in the 2012 funding year. The Commission staff then determined the alternative site was eligible for and would have received dedicated wireless fund support. Subsequently, the NTIPS Department and Viaero entered into the August 1, 2014 stipulation whereby Viaero and the NTIPS Department agreed that the support amount would not be changed as a result of this modification. In consideration of the specific circumstances presented in this case, the Commission is of the opinion and finds the stipulated agreement between the NTIPS Department and Viaero should be approved. The Commission further finds Viaero's request for support of the alternative tower site should be granted.

## O R D E R

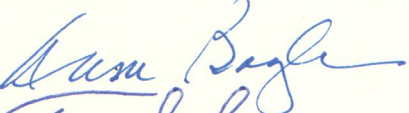

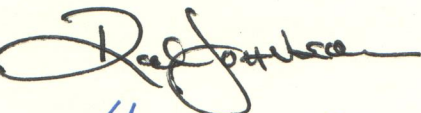

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation between the NTIPS Department and N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless be and it is hereby approved.

IT IS FURTHER ORDERED that the modification request filed by N.E. Colorado Cellular Inc. d/b/a Viaero Wireless shall be and it is hereby granted as provided herein.

MADE AND ENTERED at Lincoln, Nebraska this 19th day of August, 2014.

## NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

  
Executive Director

//s//Frank E. Landis