

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. NUSF-69  
Public Service Commission, on )  
its own motion, seeking to )  
implement policies and )  
procedures related to ) REIMBURSEMENT ORDER  
providing Dedicated universal )  
service Support for Wireless )  
Telecommunications Services: )  
N.E. Colorado Cellular Inc. )  
d/b/a Viaero Wireless. ) Entered: March 9, 2010

BY THE COMMISSION:

By Application filed June 27, 2008, by N.E. Colorado Cellular Inc. d/b/a Viaero Wireless (Viaero), sought support from the Nebraska Universal Service Fund (NUSF) dedicated wireless program. The Commission allocated \$2.5 million for the 2008 funding year in which the Petition was filed. Viaero's Petition sought \$3 million for eight proposed cell towers. Long Lines Wireless, LLC requested approximately \$900,000 of the \$2.5 million allocation for six cell sites.

A hearing on the Application was held on December 16, 2008, in Lincoln, Nebraska. On February 10, 2009, the Commission granted Viaero's funding request in part.

Viaero proposed construction of tower sites in the following communities: Lynch, Verdel, Niobrara, Verdigre, Sparks, Springview, Wilsonville and Beaver City. The Commission granted the application to provide support for five of the eight tower sites: Sparks (Cherry County), Springview (Keya Paha County), Verdigre (Knox County), Niobrara (Knox County) and Lynch (Boyd County) locations requested.

The Commission approved reimbursement up to the estimated construction costs contained in the application for the five approved sites or the actual cost of construction on each site, whichever is lower. The proposed construction costs estimated by Viaero for the five approved sites total Two Million Twenty-Three Thousand and Sixty Three Dollars (\$2,023,063). Seeking reimbursement, Viaero filed invoices with the NTIPS Department on July 17, 2009. The NTIPS Department staff has reviewed these invoices.

The reimbursement request for Sparks, Niobrara and Verdigre were lower than the estimated costs contained in the application. The reimbursement request for Springview was more than the estimate, and on August 25, 2009, Viaero was granted reimbursement for the full amount of the Springview location.

This Order addresses Viaero's second reimbursement request for the Lynch location which also exceeds the estimated costs contained in the application. The second request was filed on February 19, 2010. Viaero seeks an order from the Commission to permit the NTIPS Department to reimburse Viaero for the full amount of the Lynch location, which is \$423,175.09. In its application, Viaero estimated its construction costs to be \$401,987.79.

Despite the additional reimbursement requests, the total reimbursement sought for the five tower sites, including the Lynch location, is lower than the estimated costs contained in the application. Based on the NTIPS Department's review of the invoices, and taking into consideration the fact that the total reimbursement request for the four other tower sites were lower than the estimates provided in the application, the amount of reimbursement sought is reasonable. Therefore, the Commission finds that the reimbursement request for the Lynch tower site should be granted. The NTIPS Department staff is permitted to reimburse Viaero for the Lynch location for the amount matching the invoices provided by Viaero.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Order entered on February 10, 2009 is amended as provided herein.

IT IS FURTHER ORDERED that the Commission approves payment to N.E. Colorado Cellular Inc. d/b/a Viaero Wireless based on the invoices provided to the NTIPS Department for the Lynch location in the amount of \$423,175.09.

MADE AND ENTERED at Lincoln, Nebraska this 9th day of  
March, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director