

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-2831/NUSF-51
Public Service Commission, on) /PI-67
its own motion, seeking to)
investigate telecommunications) ORDER SEEKING COMMENT
infrastructure development in)
Nebraska.) Entered: December 20, 2005

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission) initiated this docket on its own motion on November 5, 2002 to investigate telecommunications infrastructure development in Nebraska. Specifically, the Commission surveyed carriers on the pace of broadband deployment. In this order, the Commission broadens its initial inquiry and seeks updated information on the development of broadband¹ technology in Nebraska.

Broadband deployment is vitally important to Nebraskans as the new, advanced technologies promise new opportunities for economic development in rural and urban communities alike. Considerable advancements have taken place since the Commission's last inquiry in 2002, giving rise to the need for the Commission to refresh the data it has collected and to broaden this investigation into other areas where significant changes in technology are occurring. The wireline infrastructure is rapidly changing. Wireline technology is no longer limited to the use of traditional circuit switches to move analog voice traffic over copper transmission facilities.

¹ The FCC has loosely defined "broadband" as having transmission components reaching in excess of 200 kilobits per second (kbps) in at least one direction. See *In the Matter of the Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, CC Docket 98-146, THIRD REPORT, February 6, 2002, paras. 9-12 ("Third Advanced Services Report"); See, also, *In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, CC Docket No. 02-33, REPORT AND ORDER AND NOTICE OF PROPOSED RULEMAKING, September 23, 2005. ("Wireline Broadband NPRM"). Although in its Second Advanced Services Report, the FCC decided to use the terms "advanced telecommunication capability" and "advanced services" instead of "broadband" since the term "broadband" had taken on a broader range of services and facilities. See *Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Time Fashion*, CC Docket 98-146, 15 FCC Rcd at 20930 (2000) ("Second Report"). For the purposes of this order, commenting parties should use 200 kbps in at least one direction as the threshold speed for determining whether it is providing broadband to a community or to a household.

Wireline companies are offering digital technology and packet switching. "Optical transmission have allowed wireline providers to transmit digital signals efficiently and reliably over high-capacity transmission systems, and wireline providers have introduced such media into their networks."²

Some consumers may have a choice between alternate broadband platforms. Cable operators have been deploying cable modem service for some time. Wireless and fixed wireless providers are increasingly offering high-speed Internet access. Satellite providers have deployed KU-band and Ka-Band technology capable of offering high-speed Internet.³ Other companies are currently exploring the use of power lines and cables placed in gas lines to provide broadband service.⁴

In 2002, the FCC found that broadband was being made available in a reasonable and timely manner.⁵ To enhance its data collection process the FCC expanded its broadband reporting requirements for carriers obligated to file Form 477. The FCC reported that high-speed connections to the Internet increased 34 percent during 2004 for a total of 38 million lines in service.⁶ State specific data is also being collected by the Nebraska Telecommunications Association and the Nebraska Information Network. There may be other organizations which collect and track broadband deployment statistics and may have useful information in this information gathering proceeding. The Commission encourages organizations compiling this information to provide the Commission with comments in this proceeding.

The Commission recognizes the difficulties apparent in bringing rural communities broadband options making an accurate measurement of the availability of broadband services vital to our understanding of the issues that can be addressed going forward. Accordingly, the Commission encourages all providers to respond to this inquiry so that it can collect complete and accurate information.

Confidential treatment will be granted to carriers wishing to keep trade secret information from being released. However, the Commission may wish to release price range information not

² Wireline Broadband NPRM at 22-23.

³ See Id.

⁴ See id.

⁵ Third Advanced Services Report, para. 89.

⁶ *Federal Communications Commission Releases Data on High-Speed Services for Internet Access*, Press Release, July 7, 2005, publicly accessible on the Internet at www.fcc.gov/Bureaus/Common_Carrier/Reports/FCC_State_Link/IAD/hspd0705.pdf.

attributable to any particular carrier for certain groups of products or services.

The Commission seeks comment on the following:

1. Please provide, in terms of the number of communities you serve, how many have broadband access.

2. In such communities how is broadband access being made available to the residential and small business customers?

a. Do residential and small business customers have reasonable access to DSL? Cable Modem? Satellite? Wi Fi? Are there any other broadband services being provided to residential and small business subscribers?

3. Generally describe for each community whether broadband is reasonably available to medium and large business customers, and if so, in what manner?

4. How many communities are served by fiber to the community? Is every community served by fiber? If so, how many communities offer businesses DS3's or above? If DS3's are available to businesses at what price are they being offered? What is the take rate?

5. For each community served provide the following information with respect to residential and small business users:

Provider: _____

Town Name	Product Description	Retail Price Range	Speed/Capacity	Number of Connections
	DSL	From: To:		
	Cable Modem	From: To:		
	Satellite	From: To:		
	Wireless	From: To:		
	Other	From: To:		

6. For each community served provide the following information with respect to medium and large business, institutional and government users:

Provider: _____

Town Name	Product Description	Retail Price Range	Speed/Capacity	Number of Connections
	DS0	From: To:		
	DS3	From: To:		
	T-1	From: To:		
	Wireless	From: To:		
	Other	From: To:		

7. Is broadband being deployed to out-of-town residents and if so how many and in what manner? If broadband services are provided to out-of-town residents please provide the price range and capacity available for each type.

8. In February 1, 2005, the Commission began approving grants for the Nebraska Internet Enhancement Fund (NIEF) applicants.⁷ The Commission is in the process of receiving progress reports from the communities who received grant funding for specific projects. The Commission seeks comment on the potential impact of the NIEF program on broadband development. Communities receiving or planning to receive NIEF program support should comment on the specific impact the support has or will have on economic development in the community.

Comments responsive to the Commission's inquiry should be filed on or before January 30, 2006. Persons filing comments should file five (5) paper copies and one (1) electronic copy of

⁷ See *In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund*, Application No. C-3206, ORDER AWARDING GRANTS, February 1, 2005.

their comments. Confidential information should be clearly marked.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned proceeding be broadened as provided herein.

IT IS FURTHER ORDERED that comments responsive to the Commission's inquiry be provided on or before January 30, 2006. Commenters shall file five (5) paper copies along with one (1) electronic copy of their comments. Confidential information shall be clearly marked.

MADE AND ENTERED at Lincoln, Nebraska this 4th day of May, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director