

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. NUSF-2
Public Service Commission, on its	)	Progression Order No. 9
own Motion, seeking to establish	)	
guidelines for the administration	)	ORDER SEEKING COMMENT
of the Nebraska Telephone	)	
Assistance Program.	)	Entered: September 27, 2005

BY THE COMMISSION:

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

On April 29, 2004, the FCC released its Report and Order on Lifeline and Link-Up, FCC Order 04-87, WC Docket No. 03-109 (Order),<sup>1</sup> modifying its rules to increase the effectiveness of the low-income support mechanism to make telephone service available to more low-income households.

On July 7, 2004 the Commission opened an inquiry to determine whether modifications of its rules for the administration of NTAP were appropriate. In response to that inquiry, on December 7, 2004, the Commission entered an order which modified its eligibility criteria for receiving NTAP support.

Recently, the Commission was asked to waive or otherwise expand its eligibility criteria as it relates to federal public housing. Currently, the Commission requires the NTAP enrollees to demonstrate they receive public housing assistance under Section 8 of the United States Housing Act of 1937 and the regulations promulgated thereunder by the Department of Housing and Urban Development. See 42 U.S.C. § 1437. However there are other federal income-based housing assistance programs which could be added to the Commission's eligibility criteria. The Commission seeks comment on which programs should or should not be considered and the reasons therefore.

The Commission was also requested to waive Rule 006.03B of the Nebraska Universal Service Fund Rules and Regulations, Title 291, Chapter 10, which requires the person receiving NTAP support to be the subscriber listed on the account with the telecommunications carrier. In this case, the waiver request came from a federal public housing unit, where some of its residents could otherwise be eligible for the NTAP discount. The Commission requests comment on whether it should open a rulemaking proceeding to amend the rule to create an exemption for a federal public housing unit, nursing home or group home subscribers.

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<sup>1</sup> See Lifeline and Link-Up, 69 Fed. Reg. 34,590 (June 22, 2004) (to be codified in 47 C.F.R. pts. 36 and 54).

Comments responsive to this inquiry should be filed on or before November 30, 2005. Interested persons should file five (5) paper copies along with one (1) electronic copy with the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that an investigation be opened to consider changes to the eligibility criteria as it relates to federal public housing programs and whether it should open a rulemaking to create a limited exemption to Neb. Admin. R & Reg. Title 291, Chapter 10, Rule 006.03B as detailed above.

IT IS FURTHER ORDERED that comments may be filed by interested persons on or before November 30, 2005 in the manner prescribed above.

MADE AND ENTERED at Lincoln, Nebraska this 27<sup>th</sup> day of September, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director