

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,	)	Application No. NUSF-22
on its own motion, to investigate	)	C-2290
and seek comment on methodologies	)	
for the following tasks for rural	)	
companies: (1) determining a per-	)	
manent funding mechanism for	)	
Nebraska Universal Service Fund	)	
(NUSF) support; (2) determining	)	
deaveraged zones for NUSF support;	)	ORDER SEEKING COMMENTS
(3) evaluating adjustments to	)	
access rates after the NUSF transi-	)	
tion period is complete; and (4)	)	
ensuring that at least three geo-	)	
graphic rate zones are developed	)	
for unbundled network elements	)	
(UNE's) on a statewide basis	)	Entered: August 8, 2000

BY THE COMMISSION:

On July 21, 2000, the Commission in the above docket temporarily suspended the comment periods in Application No. NUSF-22/C-2290. The Commission suspended the docket following the decision by the United States Court of Appeals for the Eighth Circuit (Eighth Circuit) in Iowa Utilities Board, et. al., v. Federal Communications Commission and United States of America. In that order, among other decisions, the Eighth Circuit vacated and remanded to the Federal Communications Commission (FCC) its rule permitting forward-looking pricing based on a hypothetical network standard, as well as the FCC's proxy prices for interconnection and unbundled network elements (UNEs).

The Commission had previously opened up separate procedural schedules for rural incumbent local exchange carriers (ILECs) in Application No. NUSF-22/C-2290 and for non-rural ILECs in Application No. C-2256/PI-38. In these bifurcated dockets, the Commission endeavors to conduct separate reviews of cost methodologies for rural and non-rural companies for the following tasks: 1) pricing UNEs; 2) developing zones to de-average rates on a geographical basis; 3) determining zones for Universal Service Fund payments; 4) establishing a permanent funding mechanism for USF payments; and 5) determining whether implicit subsidies have been removed from intrastate access prices.

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Because the Eighth Circuit decision may have a wide-ranging impact on both the processes that the Commission undertakes in this docket and the ultimate resolution of the associated issues, the Commission requests comments and recommendations from interested parties on how it should proceed with the docket. Given that the docket was only in its early stages when it was suspended, the Commission believes it is appropriate for parties to submit comments on which portions of the docket the Eighth Circuit ruling impacts, how it impacts those portions, and the appropriate processes for the Commission to undertake, in light of the Eighth Circuit rulings.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that it will take comments from interested parties on or before September 15, 2000, and reply comments on or before October 20, 2000, on the effects of the Eighth Circuit decision and recommendations on how to proceed with this docket. Parties commenting shall file five hard copies and one electronic copy on disk in WordPerfect 5.0 or later format.

IT IS FURTHER ORDERED that the docket will remain suspended until the Commission determines how to proceed, taking into full consideration the comments filed by interested parties.

IT IS FURTHER ORDERED that all existing procedural schedules and dates established in the May 10, 2000, order are no longer in effect. New dates for all portions of the docket will be established when the Commission determines how to proceed.

MADE AND ENTERED in Lincoln, Nebraska, on this 8<sup>th</sup> day of August, 2000.

## NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Ann C. Boyle*  
Chairman

ATTEST:

*John Burvane*  
Deputy Director

//s//Lowell C. Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller