

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	APPLICATION NO. NUSF-25
Public Service Commission, on)	Progression Order No. 17
its own motion, seeking to)	
establish guidelines for the)	ORDER SEEKING COMMENT
purpose of certifying the use)	
of federal universal service)	
support.)	
)	
In the Matter of the Nebraska)	APPLICATION NO. NUSF-66
Public Service Commission, on)	
its own motion, seeking to)	ORDER OPENING DOCKET AND
establish guidelines for the)	SEEKING COMMENT
purpose of certifying the use)	
of state universal service)	
support.)	Entered: February 6, 2007

BY THE COMMISSION:

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

1. The Commission previously established a self-certification process for verifying to the Federal Communications Commission (FCC) whether all federal high-cost support will be used for its intended purpose, pursuant to 47 C.F.R § 54.314 and CC Docket No. 96-45. See Application No. NUSF-25, Progression Order #1 (August 21, 2001). Progression Order #5 in this docket, required each rural incumbent local exchange carrier and/or eligible telecommunications carrier to file a notarized copy of an affidavit certifying whether federal high-cost support is being used consistent with section 254(e) of the Telecommunications Act of 1996, on or before September 1 of each year.

2. On April 10, 2006 the Commission enacted rules and regulations pertaining to the application and ongoing qualifications of eligible telecommunications carriers in Rule and Regulation No. 165. See generally Title 291 Neb. Admin. Code, Chapter 5, section 008.

3. In 2006, a total of approximately 82 million dollars was received by federal eligible telecommunication carriers including nearly 22 million dollars to wireless carriers operating in Nebraska from the federal universal service fund. Additionally, approximately 79.5 million dollars was received by Nebraska eligible carriers from the state

universal service fund. As such, the Commission intends to require more information to be provided so that the Nebraska Telecommunications Infrastructure and Public Safety Department is able to have more detailed information with which to provide verification to the FCC that federal high-cost support will be used for its intended purpose and to certify for Commission purposes that state high-cost support will be used for its intended purposes. The Commission seeks comment on the proposed verification process below.

PROPOSED PROCESS:

4. By July 1 each year, each eligible telecommunications carrier and Nebraska eligible telecommunications carrier must file with the NTIPS Department the following:

- a. Incumbent Local Exchange Carriers: 1) One year historical investment data including any expenses for the maintenance and upgrading of any facilities or services by exchange or by in-town versus out-of-town where available; and 2) One year investment schedule including any expenses for maintenance and upgrading of facilities or services for the prospective year by exchange or by in-town versus out-of-town where available.
- b. Wireless Eligible Telecommunications Carriers: 1) One year historical investment data including any expenses for the maintenance and upgrading of any facilities or services by wire center or by city and county whichever is more readily available; and, 2) One year investment schedule including any expenses for the maintenance and upgrading of any facilities for the prospective year by wire center or by city and county whichever is more readily available.

5. The Commission staff will review the historic and prospective investment data filed and make a determination as to whether it has any reasonable concerns with the investment information filed.

6. If the Commission staff has any issues with a carrier's filing, the Commission will contact the carrier on or before August 1 of each year. A hearing date will be automatically scheduled on the second Tuesday of August

each year for carriers who seek Commission review of the Commission staff's filing.

7. If the Commission has no objections or concerns, or if the Commission and the carrier have resolved all issues related to the investment filings, the Commission will provide certification to the Administrator of the federal high-cost universal service support mechanisms and the FCC that the carriers will use their federal high-cost support only for the provision, maintenance, and upgrading of facilities and/or service for which the support is intended in accordance with section 254(e) of the Telecommunications Act of 1996, as amended.

COMMENTS:

8. Comments on the proposal should be filed on or before **March 20, 2007**. Reply comments should be filed on or before **March 30, 2007**. Commenters should file five (5) paper copies along with one (1) electronic copy. Electronic copies should be mailed to Brandy.Zierott@psc.ne.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that comments on the proposals outlined herein are due on or before March 20, 2007. Reply comments are due on or before March 30, 2007. Comments must be filed in the manner prescribed above.

MADE AND ENTERED at Lincoln, Nebraska this 6th day of February, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director