

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) APPLICATION NO. NUSF-25  
Public Service Commission, on ) Progression Order No. 18  
its own motion, seeking to )  
establish guidelines for the ) ORDER REQUIRING ANNUAL  
purpose of certifying the use ) CERTIFICATION FILINGS  
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 REQUIRING ANNUAL  
establish guidelines for the ) CERTIFICATION FILINGS  
purpose of certifying the use )  
of state universal service )  
support. ) Entered: May 15, 2007

BY THE COMMISSION:

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

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.<sup>1</sup> Each eligible telecommunications carrier is currently required 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.<sup>2</sup>

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.<sup>3</sup>

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

---

<sup>1</sup> See Application No. NUSF-25, Progression Order #1 (August 21, 2001).

<sup>2</sup> Application No. NUSF-25, Progression Order #5 (August 20, 2002).

<sup>3</sup> See generally Neb. Admin. Code, Title 291, Ch. 5, § 008.

Additionally, approximately \$79.5 million was received by Nebraska eligible carriers from the state universal service fund. The Commission has a duty to ensure that state and federal universal service funds are utilized for their intended purposes.

Therefore, the Commission hereby sets forth the information required to be filed annually with the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS). This filing will allow the NTIPS Department to have detailed information with which to provide verification to the FCC that federal high-cost support will be used for its intended purposes and to certify for Commission purposes that state high-cost support will be used for its intended purposes.

By June 1 of each year, each eligible telecommunications carrier and Nebraska eligible telecommunications carrier shall file with the NTIPS Department an adequate description of how the high-cost funding support has been used. If an allocation of expenses is made for high-cost areas, then an explanation of the method used to determine the allocation must be included. Filings with the Commission must include the following:

- 1) One year of historical investment data, including any expenses, for the provision, maintenance, and upgrading of any facilities or services by exchange/wire center or by county. For June 1, 2007 filings, this information should be for calendar year 2006. If one year does not adequately encompass the applicable investment cycle, more than one year of historical information may be included.
- 2) For each historical year filed, the filing must separately describe both the Federal universal service funding and the Nebraska universal service funding received.
- 3) A one-year investment schedule, including any expenses, for provision, maintenance, and upgrading of facilities or services for the prospective year by exchange/wire center or by county. For June 1, 2007 filings, this information should be for calendar year 2008.

4) This filing requirement applies only to high-cost funding, and does not apply to carriers who participate only in the Nebraska Telephone Assistance Program or Telehealth Program.

The NTIPS Department shall review the high-cost funding support filings and make a determination as to whether there are any objections to the information filed. The NTIPS Department reserves the right to request additional information if necessary to make a determination.

If the NTIPS Department has any particular objections with a carrier's filing, the Department will contact the carrier on or before July 15. A hearing date will be automatically scheduled on or around the second Tuesday of August each year for carriers who seek Commission review of the Department's filing. The hearing on any disputed issues related to the filing due June 1, 2007 will be scheduled for August 14, 2007, at 1:00 p.m., in the Commission Hearing Room.

If the NTIPS Department has no objections, or if the NTIPS Department and the carrier have resolved disputed issues related to the filings, the Commission will provide certification to the Administrator of the federal high-cost universal service support mechanisms and to 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.

To the extent necessary, any policies developed under this docket will be incorporated into future Rules & Regulations.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that each eligible telecommunications carrier and Nebraska eligible telecommunications carrier shall annually file with the NTIPS Department the information regarding high-cost funding support pursuant to the requirements of this Order.

IT IS FURTHER ORDERED, to the extent necessary, any policies developed under this docket will be incorporated into future Rules & Regulations.

IT IS FURTHER ORDERED that hearing on any disputed issues is scheduled for August 14, 2007, at 1:00 p.m., in the Commission Hearing Room.

MADE AND ENTERED at Lincoln, Nebraska this 15th day of May, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director