

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	APPLICATION NO. NUSF-25
Public Service Commission, on	)	Progression Order No. 27
its own motion, seeking to	)	
establish guidelines for the	)	
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	)	
establish guidelines for the	)	
purpose of certifying the use	)	
of state universal service	)	
support.	)	Entered: December 3, 2013

BY THE COMMISSION:

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

1. On May 15, 2007, the Nebraska Public Service Commission (Commission) established a detailed process for verifying whether all federal high-cost support was, in the preceding year, and would be in the next calendar year, used for the intended purpose pursuant to Section 254(e) of the Telecommunications Act of 1996; and whether all state high-cost support was and would be used for its intended purpose pursuant to Neb. Rev. Stat. § 86-324. See Application Nos. NUSF-25/NUSF-66, Progression Order #18 (May 15, 2007). Consistent with the Commission's findings all designated eligible telecommunications carriers (ETCs) and all Nebraska designated eligible telecommunications carriers (NETCs)<sup>1</sup> receiving high-cost support were required to file historical and prospective documentation describing their use of federal

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<sup>1</sup> The Commission designates ETCs as eligible to receive federal high-cost universal service fund support pursuant to the Federal Telecommunications Act of 1996. The Commission designates NETCs as eligible to receive state high-cost universal service fund support pursuant to the Nebraska Telecommunications Universal Service Fund Act (NTUSF).

and state high-cost universal service support. These annual filings are due on June 1<sup>st</sup> of each year.

2. By June 1st of this year, each eligible telecommunications carrier (ETC) and each Nebraska eligible telecommunications carrier (NETC) was required to file with the NTIPS Department an adequate description of how the high-cost funding support has been used and an adequate description of how high-cost support will be used during the coming year.

3. On November 18, 2011, the Federal Communications Commission (FCC) issued its Universal Service and Intercarrier Compensation Transformation Order (Transformation Order)<sup>2</sup> which, *inter alia*, modified the certification requirements for ETCs. Among the changes 47 C.F.R. § 54.314 requires state commissions, after conducting a detailed review of ETC's historical and prospective documentation describing the use of federal universal service support, to determine whether universal service support was used for its intended purpose in the preceding calendar year and will be used for its intended purpose in the following calendar year.

4. On June 10, 2013 the Wireline Competition Bureau of the FCC issued an order granting a limited waiver of the filing deadline for the annual ETC reporting requirements under 47 C.F.R. § 54.313(j).<sup>3</sup> Subsequently the Bureau notified ETCs and states the annual ETC reporting deadline was to be October 15, 2013 and that states have until December 16, 2013 to file their annual use certifications.<sup>4</sup>

5. Upon completion of its review, the Commission finds that the following carriers adequately filed information demonstrating that they have used all federal high-cost support in the preceding calendar year, and will continue to

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<sup>2</sup> See *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link Up; Universal Service Reform-Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket 10-90 et al., 26 FCC Rcd 17663 (November 18, 2011)(Transformation Order).

<sup>3</sup> See *In the Matter of Connect America Fund*, WC Docket No. 10-90, Order, 28 FCC Rcd 8360 (June 10, 2013).

<sup>4</sup> See *Wireline Competition Bureau Announces Filing Deadline of October 15, 2013*, WC Docket No. 10-90, Public Notice, 28 FCC Rcd 11252 (August 6, 2013).

use all federal high-cost universal service support in the coming year for the provision, maintenance and upgrading of facilities and services for which support is intended, pursuant to 47 C.F.R § 54.314 (May 8, 2012) and WC Docket No. 10-90:

<u>COMPANY NAME</u>	<u>STUDY AREA CODE</u> <u>(SAC)</u>
Allo Communications, LLC	379010
Arapahoe Telephone (ATC Communications)	371516
Arlington Telephone Company	371517
Benkelman Telephone Company	372455
Blair Telephone Company	371524
Cambridge Telephone Company	371526
Citizens Telecommunications / Frontier NE	371128
Clarks Telecommunications Company	371531
Consolidated Telco, Inc.	371530
Consolidated Telecom, Inc. fmly Home Telephone and Eustis Telephone	371562 371545
Consolidated Telephone Company	371532
Cozad Telephone Co.	371534
Curtis Telephone Co.	371536
Dalton Telephone Co., Inc.	371537
Diller Telephone Co.	371540
Eastern Nebraska Telephone Co.	371542
Elsie Communications, Co.	371518
Glenwood Membership Corporation	371553
Golden West Telecommunications Coop	391659
Great Plains Communications	371577
Hamilton Telephone Co.	371555
Hartington Telecommunications Co.	371556
Hartman Telephone	371557
Hemingford Cooperative Telephone	371558
Henderson Cooperative Telephone	371559
Hershey Cooperative Telephone	371561
Hooper Telephone Company dba Westel	371563
Huntel Cablevision dba Huntel Communications	379016
K & M Telephone Company	371565
Keystone-Arthur Telephone	371567
Mobius Communications, Co.	379014
Nebraska Central Telephone	371574
Nebraska Technology and Telecommunications	379004
NE Colorado Cellular dba Viaero Wireless	379008

Northeast Nebraska Telephone	371576
Orbitcom, Inc.	379009
Pierce Telephone Co.	371581
Pinpoint Communications	379003
Pinpoint Wireless, Inc.	379022
Plainview Telephone	371582
Qwest Corporation d/b/a CenturyLink QC	375143
Rock County Telephone	371586
Sodtown Telephone	371590
Southeast Nebraska Communications, Inc. f/k/a Southeast Nebraska Telephone Company	371591
Stanton Telecom, Inc.	371592
Three River Telco	371525
Three River Communications, LLC	379015
United States Cellular Corporation (USCOC of Nebraska/Kansas)	379019
United Telephone Company of the West d/b/a CenturyLink	371595
Vivian Telephone	391686
Wauneta Telephone	371597
Windstream Nebraska, Inc.	371568

6. Accordingly, the Commission will provide certification to the Administrator of the federal high-cost universal service support mechanisms and the FCC, that the above-listed carriers have used federal high-cost support in the preceding calendar year (2012) and will continue to use federal high-cost universal service support in the coming year (2014) only for the provision, maintenance, and upgrading of facilities and/or service for which the support is intended in accordance with § 254(e) of the Telecommunications Act of 1996, as amended.

7. Certification in this Order shall not be construed as precedent as to the sufficiency of the information considered acceptable by the Commission in subsequent years.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Department certify to the Administrator of the federal high-cost universal service support mechanisms and the Federal Communications Commission, that the above-listed eligible telecommunications carriers have used and will continue to use in the coming year 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 § 254(e) of the Telecommunications Act of 1996, as amended.

MADE AND ENTERED at Lincoln, Nebraska this 3rd day of December, 2013.

NEBRASKA PUBLIC SERVICE

COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application Nos. NUSF-25/NUSF-66

Page 5

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COMMISSION

NEBRASKA PUBLIC SERVICE

COMMISSIONERS CONCURRING:

*Tim Schram*

*Anne Boyle*

Chairman

*Frank E. Landis*

ATTEST:

*Gerald L. Voss*

*Steve Meradith*  
Executive Director

//s//Anne C. Boyle

//s//Frank E. Landis