

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. NUSF-25  
Public Service Commission, on )  
its own motion, to establish )  
guidelines for the purpose ) PROGRESSION ORDER #3  
of certifying the use of )  
federal universal service )  
support. ) Entered: October 4, 2001

BY THE COMMISSION:

1. On August 21, 2001, the Commission entered Progression Order #1 in this docket, establishing self-certification as the Commission's process for verifying whether all federal high-cost support will be used for its intended purpose, pursuant to 47 C.F.R § 54.314. Progression Order #1 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<sup>1</sup> on or before September 14, 2001.

2. On September 19, 2001, the Commission entered an order finding that several named carriers timely filed properly completed affidavits. On September 27, 2001, the Commission filed letters via overnight mail with the Administrator of the federal high-cost mechanism at Universal Service Administrative Company (USAC) and the Secretary of the Federal Communications Commission (FCC), certifying that the carriers listed in Progression Order #2 in this docket will use all federal high-cost support for its intended purpose consistent with section 254(e), as required by 47 C.F.R § 54.314.

3. On September 28, 2001, Commission staff received a telephone call from a representative of USAC indicating that two Nebraska carriers that are currently receiving federal universal service support were not listed on the Commission's certification letter. The two carriers are Cozad Telephone Company and Plainview Telephone Company.

4. At the time of the telephone call from USAC, the Commission had not received a self-certification affidavit from either Cozad Telephone Company or Plainview Telephone Company. Prior to the September 14, 2001 deadline established

<sup>1</sup> 47 U.S.C. § 254(e).

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in Progression Order #1 in this docket, Commission staff had contacted representatives of the aforementioned companies to remind them of the requirement to file self-certification affidavits if they desired to receive federal universal service support for the coming fiscal year.

5. In order for a carrier to receive federal high-cost support for all quarters of this fiscal year, the appropriate State Commission must certify by October 1 to the FCC and USAC that the carrier will use all federal high cost support consistent with section 254(e). See 47 C.F.R. § 54.314(d). Companies that are certified pursuant to 47 C.F.R. § 54.314 after October 1 and before January 1 will not receive federal high-cost support until the second quarter of the fiscal year. Id. Because October 1, 2001 fell on a Monday, any mailing, overnight or otherwise, made during Commission business hours needed to be sent by Friday, September 28, 2001 in order for the mailing to arrive at USAC and the FCC by the October 1 deadline.

6. In the interest of preserving existing federal universal service support for the benefit of customers of Cozad Telephone Company and Plainview Telephone Company, the Commission filed letters with USAC and the Secretary of the FCC via overnight mail on September 28, 2001, certifying that the aforementioned companies will use all federal high-cost support for its intended purpose consistent with section 254(e).

7. Such filings met requirements for certification pursuant to 47 C.F.R. § 54.314, but were not in accordance with Progression Order #1 entered in this docket because neither carrier had filed self-certification affidavits with the Commission by the September 14<sup>th</sup> deadline. In order to prevent any harm to customers that could have resulted from loss of federal high-cost support for the first quarter, the Commission provided the necessary certification to USAC and the FCC.

8. On October 1, 2001, in response to Commission requests, Cozad Telephone Company and Plainview Telephone Company filed self-certification affidavits with the Commission.

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OPINION AND FINDINGS

9. The Commission is reluctant to accept affidavits after the September 14, 2001 deadline established in Progression Order #1 in this docket and cautions Cozad Telephone Company and Plainview Telephone Company to be more diligent in making future filings in a timely manner.

10. Nevertheless, the Commission recognizes the potential negative impact to customers of companies that neglect to meet their responsibilities for receipt of federal high-cost support.

11. Because their self-certification affidavits were filed with the Commission by the FCC's October 1 deadline, and in order to prevent harm to the affected customers, the Commission accepts the affidavits and finds that the following carriers filed properly completed affidavits:

Cozad Telephone Company  
Plainview Telephone Company

12. Accordingly, the Commission will provide a copy of this order to USAC and the FCC.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the affidavits filed by the above-referenced carriers are approved.

MADE AND ENTERED at Lincoln, NE this 4<sup>th</sup> day of October, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lowell Johnson* *Alan J. Smith*  
Chairman

*David L. Vay* *Frank S. Pollack*  
Anne C. Boyle Executive Director

*Frank E. Landis*

//s//Frank E. Landis

