

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	)	Progression Order No. 34
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: September 27, 2016

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

2. By June 1<sup>st</sup> of this year, each eligible telecommunications carrier (ETC) and each Nebraska eligible telecommunications carrier (NETC) were required to file with the NTIPS Department, an adequate description of how the high-

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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).

Application Nos. NUSF-25/NUSF-66  
Progression Order #34

Page 2

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 Inter-carrier 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. Pursuant to the requirements established by the FCC, ETCs were required to file their annual Form 481 reports with the Commission on or before July 1<sup>st</sup> of this year.

5. Upon completion of its review, the Commission finds that the following carrier adequately filed information demonstrating that they will use<sup>3</sup> 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>
Skybeam, LLC	376137
Skybeam, LLC	376138

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 carrier will use federal high-cost universal service support in the

<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 Inter-carrier 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> The carrier identified in this Order did not receive support in 2015. Accordingly, the Commission is certifying use prospectively.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application Nos. NUSF-25/NUSF-66  
Progression Order #34

Page 3

coming year (2017) 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 will 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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 27th day of September, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. Vop*  
*Crystal Knodes*  
*Frank E. Landis*

//s//Frank E. Landis  
//s//Tim Schram

*Tim Schram*

Chairman

ATTEST:

*Shirley K. D.*

Deputy Director