

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. NUSF-35/PI-
Public Service Commission,	)	69
seeking to determine Nebraska	)	
Eligible Telecommunications	)	
Carrier status for the purposes	)	PROGRESSION ORDER NO. 2
of receiving state universal	)	
service support for providing	)	
Lifeline/Link-up services and	)	
Telehealth services to rural	)	
hospitals.	)	

Entered: July 5, 2006

BY THE COMMISSION:

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

1. The Nebraska Public Service Commission (Commission) opened this proceeding on January 28, 2003 to determine Nebraska Eligible Telecommunications Carrier (NETC) status for carriers providing Lifeline/Link-up services and for carriers providing Telehealth services to rural hospitals. The Commission also sought comments on whether it should require all local exchange carriers (LECs) to provide Lifeline and Link-up services. Notice of the application was published in The Daily Record, Omaha, Nebraska, on January 31, 2003.

2. On March 29, 2006, the Commission requested comment on the propriety of designating federal eligible telecommunications carriers (ETCs) as NETCs for the purpose of receiving Nebraska Telephone Assistance Program support.

3. Comments were filed on behalf of Cox Nebraska Telcom, LLC (Cox); Embarq Corporation (f/k/a Sprint); HunTel Communications (HunTel); and N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero).

4. Cox filed comments in favor of the Commission's proposal stating that such a finding "would be beneficial to low-income consumers and has the potential to increase subscribership in Nebraska."<sup>1</sup>

5. HunTel also supported the Commission's proposal. Given that Cox and Alltel already receive NTAP support, HunTel stated that to not adopt such a policy would be discriminatory.<sup>2</sup>

---

<sup>1</sup> Comments of Cox Nebraska Telcom, L.L.C. (May 26, 2006) at 3.

<sup>2</sup> See Comments of HunTel Communications (May 30, 2006) at 2.

6. Viaero likewise commented that adoption of the Commission's proposal would be beneficial to qualifying customers and in the public interest.<sup>3</sup>

7. Embarq Corporation stated it had not seen any evidence that allowing ETCs to become an NETC for the purpose of receiving NTAP support, would promote competition for low-income consumers.<sup>4</sup>

8. Upon review of the comments received, the Commission is of the opinion and finds that it would serve the public interest to designate federal ETCs as NETCs for the purpose of participation in the NTAP and for receipt of NTAP support. Carriers designated as federal ETCs and receiving NTAP support are required to comply with the Commission's statutes, rules, regulations and orders relative to the NTAP program.

9. The NETC designation made herein applies only to the NTAP program. It does not extend to the Nebraska high-cost support program which requires a separate NETC designation. This finding would not loosen or in any way change the guidelines established by the Commission in Docket C-3415,<sup>5</sup> which are now codified in Neb. Admin. Code, Title 291, Chapter 5. These rules and regulations apply to the designation process and required reporting for federal ETCs. Adoption of the proposed NETC designation proposal does not in any way supersede or alter the requirements in those rules. This change would apply solely to a federal ETC's eligibility to receive NTAP support.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that federal eligible telecommunications carriers shall be designated as Nebraska eligible telecommunications carriers for the purpose of receiving Nebraska Telephone Assistance Program support.

IT IS FURTHER ORDERED that federal eligible telecommunications carriers are required to comply with any and all statutes, rules, regulations and Orders of the Commission issued in relation to the Nebraska Telephone Assistance Program.

---

<sup>3</sup> See Comments of N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (May 30, 2006) at 1.

<sup>4</sup> See Comments of Embarq Corporation (May 30, 2006) at 3.

<sup>5</sup> See *id.* at 2.

Application No. NUSF-35/PI-69  
Progression Order No. 2

PAGE 3

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of  
July, 2006.

COMMISSIONERS CONCURRING: NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:

Executive Director