

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska                    ) Application No. NUSF-41/  
Public Service Commission, on                    ) PI-89  
its own motion, investigating                    )  
whether to assess the Nebraska                    ) ORDER OPENING DOCKET AND  
Universal Service Fund surcharge                ) SETTING PUBLIC HEARING  
on broadband services.                            )  
  ) Entered: December 14, 2004

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission) hereby opens the above-captioned proceeding to investigate the propriety of assessing the Nebraska Universal Service Fund (NUSF) surcharge on broadband services including but not limited to cable modem, Digital Subscriber Line (DSL), wireless and satellite broadband services. The Commission is considering the assessment of broadband services and/or connections as a result of the testimony given by Mr. Pursley at the December 8, 2004, hearing in Docket NUSF-40, which is the Commission's investigation regarding Voice Over the Internet Protocol (VoIP) providers.

The Commission hereby incorporates the record of NUSF-40 into this proceeding, including the comments, testimony, exhibits and transcript of the December 14, 2004 hearing. With the exception of the transcript, such public records can be viewed by appointment at the Commission Office,<sup>1</sup> or by contacting the NUSF Department by telephone<sup>2</sup> and requesting mailed copies. The Commission will invoice the party seeking mailed copies in accordance with its administrative rules. Copies of the transcript can be obtained from General Reporting Service<sup>3</sup> by telephone or in writing. General Reporting will charge the party in accordance with its fee structure. Solely as a matter of convenience, copies of these documents can be viewed on the Commission's website<sup>4</sup> after December 17, 2004. Interested parties should review the testimony provided by the parties to NUSF-40 in preparation for this proceeding.

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<sup>1</sup> Nebraska Public Service Commission, 300 Atrium Building, 1200 N Street, Lincoln, Nebraska 68508

<sup>2</sup> Interested parties may telephone the Commission at (402) 471-3101 or toll-free in Nebraska at (800) 526-0017.

<sup>3</sup> General Reporting Service, 304 South 13<sup>th</sup> Street, Lincoln, Nebraska 68508, telephone number (402) 477-8425.

<sup>4</sup> [www.psc.state.ne.us](http://www.psc.state.ne.us)

The Commission seeks comments on the proposal outlined above with respect to assessing the NUSF surcharge on broadband services and on Mr. Pursley's recommendations given at the hearing in NUSF-40. The following procedural schedule and administrative guidelines for this docket are hereby established:

1. The hearing in legislative format will be scheduled in the Commission Hearing Room on February 9, 2005 at 10:00 a.m. Interested parties may present testimony at the hearing or file written comments in lieu of testifying. Parties providing testimony at the hearing should offer a written copy of their testimony as an exhibit and provide an oral summary of their testimony. Testimony will be limited to 30 minutes per party. Comments should be filed with the Commission before the close of the hearing on February 9, 2005. Interested persons filing written comments or testifying at the February 9, 2005 hearing will be considered as parties to this proceeding.
2. The Commission will utilize an outside court reporting service for this proceeding. Costs associated with the outside court reporting service used by the Commission will be split amongst parties presenting live testimony.
3. Post-hearing Briefs/Proposed Orders will be accepted by the Commission if filed by March 2, 2005.
4. Parties that wish to participate at the hearing are reminded of Neb. Admin. Code Title 291, Chapter 1, Rule 002 requiring admission to practice in Nebraska by the Nebraska Supreme Court, or by a supported motion to appear pro hac vice.

O R D E R

IT IS THEREFORE SO ORDERED by the Nebraska Public Service Commission that the above-captioned investigation be and it is hereby opened to the public for comment.

IT IS FURTHER ORDERED that a public hearing will be scheduled on February 9, 2005 at 10:00 a.m. in the Commission Hearing Room.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of  
December, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director