

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. NUSF-47
of Orbitcom, Inc., requesting)
universal service support for) ORDER
supported services in Qwest)
exchanges.) Entered: March 7, 2006

BY THE COMMISSION:

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

By application filed July 18, 2005, OrbitCom, Inc. (OrbitCom), of Sioux Falls, South Dakota requests universal service support for supported services in Qwest exchanges. Notice of the application was published in the Daily Record, Omaha, Nebraska on July 21, 2005. On November 30, 2005, a planning conference was held. A planning conference order was entered by the Hearing Officer on December 16, 2005 and mailed to the parties of record. A hearing on the application was held on January 11, 2006.

A Petition of Formal Intervention was filed by a group of Rural Independent Companies. The Commission granted the petition of the Rural Independent Companies to intervene in this proceeding. A Petition of Informal Intervention was filed out of time by Qwest Corporation. The Petition of Informal Intervention was denied by the Commission at the hearing.

Mr. Brad VanLear testified in support of the application for OrbitCom. Mr. VanLear serves as the President of OrbitCom. OrbitCom is a competitive local exchange carrier (CLEC) authorized to provide service in thirteen states in Qwest Corporation's 14-state territory. OrbitCom provides telecommunications services largely through unbundled network elements (UNEs). OrbitCom was first authorized by the Commission to provide local exchange telecommunications services in September of 2002. (See Application No. C-2776). On September 21, 2004, the Commission granted OrbitCom's application for eligible telecommunications status (ETC) and Nebraska ETC status in the Qwest ILEC region.

Prior to September of 2004, OrbitCom provided telecommunications service to customers in Qwest's Nebraska exchanges largely through the resale of Centrex service. In the fall of 2004, OrbitCom began to convert its Centrex lines to an unbundled network element platform (UNE-P) through an agreement OrbitCom reached with Qwest.

On November 3, 2004, the Commission issued its findings and conclusions in NUSF-26. In NUSF-26, the Commission adopted a

hold-harmless provision with respect to the business lines for which CLECs like OrbitCom were receiving NUSF support. That hold-harmless provision was only applicable for those lines reported for September 2004. Business lines acquired by an NETC after September 2004 were not eligible for NUSF support.

As of the September 2004 cutoff, OrbitCom had approximately 219 business lines in Qwest's Nebraska exchanges that were in the process of being converted from Centrex to UNE-P. Although they were customers of OrbitCom in September 2004, the business lines were not reported by OrbitCom in September of 2004 because these lines were provided through resale and resold lines are not eligible for NUSF support.

OrbitCom seeks support for those business lines that OrbitCom was providing service via Centrex as of September, 2004 that were subsequently converted to a UNE-P basis, i.e. the 219 business lines.

Ms. Camelia Rogers testified on behalf of the staff in support of granting the application. The staff estimated that granting NUSF Support for the 219 business lines would increase support to OrbitCom in the amount of \$12,454 a month. Further, Ms. Rogers testified, granting OrbitCom the relief requested would amount to approximately \$150,000 of support ported from Qwest to OrbitCom per year.

OrbitCom's application presents a unique circumstance which can be remedied by a limited grant of support for the 219 business lines which were converted to UNE-P between September 2004 which was the hold-harmless cutoff and the time the NUSF-26 order was entered in November. After consideration of the application and the evidence presented, the Commission is of the opinion and finds that OrbitCom's application for support should be granted for the 219 business lines. In order for OrbitCom to receive the NUSF support requested, it must provide documentation related to the 219 business lines being converted from Centrex to UNE-P. Such documentation must be filed with the NUSF Director. The NUSF Department is authorized to disburse support to OrbitCom for the 219 business lines which OrbitCom documents to the NUSF Department it was converting to UNE-P. This decision results in a limited modification of the Commission's findings in NUSF-26.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of OrbitCom, Inc. be and it is

hereby granted for the 219 business lines to the extent provided herein.

MADE AND ENTERED at Lincoln, Nebraska this 7th day of March, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director