

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. NUSF-61.2
Public Service Commission,)	
seeking to review traffic)	
studies to determine the)	
appropriate percentage of)	ORDER
assessable revenues subject to)	
the Nebraska Universal Service)	
Fund: United States Cellular)	
Corporation's (U.S. Cellular))	
request for approval of traffic)	
study.)	Entered: December 15, 2009

BY THE COMMISSION:

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

On November 6, 2009 United States Cellular Corporation (U.S. Cellular) filed a request with the Commission to accept the updated percentages of its traffic study beginning with the first quarter of 2010. U.S. Cellular updated its 2008 traffic data by conducting a traffic study during July, August and September 2009. The results were attached to the application as "Confidential Exhibit A." U.S. Cellular proposes to use the inverse percentage to determine the assessable intrastate revenues for the Nebraska Universal Service Fund (NUSF). Notice of the application appeared in the Daily Record, Omaha, Nebraska on November 10, 2009. No protests or interventions were filed; therefore, the Commission processed this application pursuant to its Rule of Modified Procedure.

In June 2006, the Federal Communications Commission considered the safe harbor percentage for wireless carrier revenues that should be considered interstate. The FCC raised the wireless safe harbor percentage from 28.5 percent to 37.1 percent for interstate contributions. The FCC also allows companies to report a percentage of revenue (through a traffic study or actual traffic data) as an alternative to the safe harbor upon request and documentation.

Similarly, the Commission has adopted a rule which permits a carrier to use the relevant FCC safe harbor provisions or to request the Commission to approve an allocation factor. See Neb. Admin. Code, Title 291, Chapter 10, Rule 002.01D1b.

In the application, U.S. Cellular confidentially filed the relevant documentation to establish an allocation factor to use as an alternative to the FCC safe harbor provision. In addition,

a copy of U.S. Cellular's submission to the FCC and USAC was attached to the application as a confidential exhibit.

Upon review of the request made by U.S. Cellular, the Commission is of the opinion and finds its request to contribute to the NUSF based on its traffic study should be and it is hereby approved. The allocation factor is approved as provided in the confidential attachment to this Order. In addition, any revisions to this factor must be filed with the Commission for approval. The Commission finds it should keep the traffic study information and updates filed by U.S. Cellular confidential as requested.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the allocation factor contained in Confidential Attachment "A" to this Order shall be and it is hereby approved.

IT IS FURTHER ORDERED that U.S. Cellular Corporation shall use the inverse of its federal traffic study percentage for the purposes of reporting intrastate revenue effective January 1, 2010 for Nebraska remittances.

MADE AND ENTERED at Lincoln, Nebraska this 15th day of December, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice-Chairman

ATTEST:

Executive Director