

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-65
Public Service Commission, on)
its own motion, to investigate)
whether it should adopt) ORDER OPENING DOCKET AND
standards for deployment and) SEEKING COMMENT
access to advanced services.)
) Entered: January 17, 2007

BY THE COMMISSION:

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

In November of 2004, the Commission adopted certain findings and conclusions with respect to the distribution model created in NUSF-26. The Commission also put interested persons on notice of certain issues which it planned to investigate at a later date. One open issue was the determination as to whether it should adopt standards for deployment of advanced services or broadband.

The legislative policy in the Nebraska Telecommunications Universal Service Fund Act (the Act) declares that access to advanced services should be made available to consumers across the state. See *Neb. Rev. Stat.* § 86-323(2). Consistent with that policy, the Commission hereby opens this docket to explore the issue of whether broadband standards should be adopted, what those standards should be, and how to measure deployment.

Specifically, the Commission seeks comment on the following:

1. Whether standards for broadband deployment should be adopted for Nebraska eligible telecommunications carriers (NETCs) receiving high-cost program support.
2. How should the Commission define broadband for the purposes of this investigation? Should the Commission use the definition adopted by the Federal Communications Commission (FCC)?
3. What should be the deployment threshold if the Commission adopts standards? Should the Commission measure deployment on a percentage basis, such as percentage of customers or percentage of area served?
4. What should be the timeline for reaching any broadband deployment standard? Should the standard be fixed or

should it gradually increase such as 60 percent in 2007, 70 percent in 2008, etc.

5. If the Commission measures deployment on a percentage basis, how should the Commission measure it?
 - i. What are the merits of measuring standards on a company/statewide basis?
 - ii. Should the standards be measured on a disaggregated basis such as the exchange basis? Why or why not?
 - iii. Should the standards be measured on a support area basis? Why or why not?
 - iv. Should the standards be measured on any other basis?
6. How should the Commission treat carriers who do not meet the broadband standards? Should the carrier be disqualified from receiving support? Should this affect their NETC eligibility?
7. Should there be a waiver process? If so, how should the waiver process be implemented?
8. How should the Commission treat NETCs who provide service through the leasing of facilities such as unbundled network elements (UNEs)? Should they be required to meet any broadband deployment standards?
9. The Commission seeks comment on any other issue germane to the issues raised above.
10. Comments should be filed on or before **February 27, 2007**. Persons filing comments should file five paper copies and one electronic copy which can be mailed to Brandy.Zierott@psc.ne.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be and it is hereby open for public comment.

IT IS FURTHER ORDERED that comments responsive to this investigation be filed on or before **February 27, 2007**. Commenting persons should file five (5) paper copies along with one (1) electronic copy of their comments. Electronic copies should be electronically mailed to Brandy.Zierott@psc.ne.gov.

MADE AND ENTERED at Lincoln, Nebraska this 17th day of January, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director