

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,)	Application No. NUSF-7
on its own motion, seeking to)	
review and approve requests for)	ORDER VACATED IN PART AND
modification of the funding)	WAIVER GRANTED IN PART
calculation for the Nebraska)	
Universal Service Fund.)	Entered: November 8, 2000

BY THE COMMISSION:

BACKGROUND

1. On May 18, 1999, the Nebraska Public Service Commission ("Commission") opened this docket to consider requests for additional funding from the Nebraska Universal Service Fund ("NUSF") made by a number of rural incumbent local exchange carriers ("ILEC"s). These ILECs sought a modification of the NUSF funding mechanism set forth in C-1628/NUSF.¹

2. A public hearing was held on December 9, 1999, and again on January 11, 2000. Both hearings took place in the Commission hearing room in Lincoln, Nebraska. Each ILEC was given the opportunity to testify in support of its waiver request. In addition, post-hearing briefs were filed and accepted for Commission consideration.

3. On September 6, 2000, the Commission entered an order denying ILEC requests for additional funding that were justified merely on the basis that the company has experienced underearnings.² In the Order, the Commission denied the request for additional funding made by Clarks Telecommunications Co. ("Clarks").

4. On September 18, 2000, Clarks filed a Motion for Rehearing and Request for Oral Argument, pursuant to Rule 021.02 of the Commission's Rules of Procedure, requesting the Commission to rehear and reconsider the Order insofar as such Order relates to Clarks.³

5. On September 26, 2000, the Commission granted Clarks' Request for Oral Argument. A public hearing was scheduled and held on October 12, 2000, in the Commission hearing room in Lincoln, Nebraska. At said hearing, the Commission granted Clarks' Motion for Rehearing and adopted a joint stipulation of the NUSF Director and Clarks.⁴ The Stipulation agreed Clarks' pending Motion for Rehearing should be regarded as a request that the Commission vacate the Order as it related to Clarks, and modify the Order as requested by Clarks. The Stipulation further agreed evidence exists in the

¹ In the Matter of the Application of the Nebraska Public Service Commission, on its own motion seeking to conduct and investigation into intrastate access charge reform. Application No. C-1628, Findings and Conclusions (January 13, 1999) ("C-1628/NUSF").

² In the Matter of the Commission, on its own motion, seeking to review and approve requests for modification of the funding calculation for the Nebraska Universal Service Fund. Application No. NUSF-7, Waiver Requests Denied In Part (September 6, 2000) ("Order").

³ In the Matter of the Application of Clarks Telecommunications Co. For Issuance by the Commission of an Order Waiving Certain Requirements In the Opinion and Findings in C-1628 Associated with the NUSF Support Calculation in the Transition Period. Application No. NUSF-7, Motion For Rehearing and Request For Oral Argument (September 18, 2000).

⁴ In the Matter of the Application of Clarks Telecommunications Co. For Issuance by the Commission of an Order Waiver Certain Requirements In the Opinion and Findings in C-1628 Associated with the NUSF Support Calculation in the Transition Period. Application No. NUSF-7, Stipulation (October 12, 2000) ("Stipulation").

Application No. NUSF-7

Page 2

record that, together with any additional information that may be requested by the Commission, will facilitate the calculation of Clarks' entitlement, if any, to additional NUSF payments consistent with the principles in the Commission's September 26, 2000, order entered in this docket.⁵

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

6. The Commission hereby reconsiders its findings in the Order as it relates to Clarks, and vacates the Order as it relates to Clarks. Upon application of the Commission's additional funding methodology, as set forth in the Methodology Order, the Commission finds, based on the information contained in the record and the additional financial information requested by the Commission, Clarks' request should be granted in part. Accordingly, the Commission hereby modifies the Order as it pertains to Clarks.

7. The financial information submitted by Clarks has been labeled as confidential. Therefore, the Commission approved additional funding amount will be made available to Clarks through a separate confidential attachment.

O R D E R



IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the September 6, 2000, Order entered in the above captioned docket, shall be and it is hereby, vacated as it relates to Clarks Telecommunications Co.

IT IS FURTHER ORDERED that the request for additional Nebraska Universal Service Fund support made by Clarks Telecommunications Co. shall be, and is hereby granted in part.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of November, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION:

COMMISSIONERS CONCURRING:

//s//Anne C. Boyle
//s//Daniel G. Urwiller


Vice-Chairman

ATTEST:


Executive Director

⁵ In the Matter of the Commission, on its own motion, seeking to review and approve requests for modification of the funding calculation for the Nebraska Universal Service Fund. Application No. NUSF-7, Waiver Requests Granted In Part and Denied In Part (September 26, 2000) ("Methodology Order").