

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of) Application No. NUSF-77.16
the Nebraska Telecommunications)
Association for Investigation)
and Review of Processes and)
Procedures Regarding the) DENIED
Nebraska Universal Service Fund:)
Application to the Nebraska)
Broadband Pilot Program (NEBP))
received from Raicom, Inc.)
) Entered: December 3, 2013

APPEARANCES:

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BY THE COMMISSION:

Background

By Application filed February 26, 2013 Raicom, Inc. (Raicom or Applicant) seeks Nebraska Broadband Pilot (NEBP) Program support. Notice of the Application appeared in the Daily Record, Omaha, Nebraska on March 8, 2013. The Raicom application was received into evidence as Exhibit No. 11.

Petitions of Formal Intervention were filed by N.E. Colorado Cellular d/b/a Viaero Wireless (Viaero) and Great Plains Communications (Great Plains). Viaero and Great Plains subsequently withdrew their Interventions.

A procedural conference was held on June 19, 2013. With the consent of the applicant, a procedural schedule was adopted. Pursuant to the Procedural Order, the staff's recommendation was filed on August 28, 2013. Pre-filed testimony was filed on September 27, 2013 and reply testimony was filed on October 11, 2013.

On November 5, 2013, the Commission held a public hearing on the application in Lincoln, Nebraska. For administrative efficiency, and with the consent of all parties, the hearing was consolidated with NUSF-77.08 through NUSF-77.15 and NUSF-77.17 through NUSF-77.23. No appearances were entered for Raicom.

Project Overview

Raicom is a common carrier subject to the jurisdiction of the Commission. Raicom holds a certificate of public convenience and necessity and operates general telecommunications businesses in Nebraska. Its principal office is located in Benkelman, Nebraska. Raicom applied for NEBP support for one broadband project.

Raicom provided a project timeline, a proposed budget showing project costs, a 25 percent match, and a detailed breakdown of the cost elements. Raicom provided a depreciation schedule showing the life of the investment. Raicom provided a copy of its latest financial report to demonstrate financial qualifications to complete its portion of the proposed project. In addition, Raicom provided detailed map information showing the proposed project coverage in census blocks.

Staff Analysis

The Commission staff analyzed each project including the projects filed by Raicom. The staff first reviewed the application to determine whether the eligibility requirements had been met. Next, the staff reviewed the application to determine whether all application requirements listed in Progression Order No. 5 were fulfilled. Each project was then scored.

To score this application, the Commission staff took various pieces of information directly from the applications submitted for each project and utilized in factor development. This data included; retail monthly recurring and nonrecurring end-user rates for the provisioning of broadband service; the speed (Mbps) of the respective service being offered; and the total grant request amount for each project.

Additionally, the staff obtained various other data, from publicly available sources, also used in factor development. This data included: residential monthly recurring rates for voice service and subscriber line charges, if applicable;¹ population and household by census block;² area by census block;³ and broadband availability.⁴

The Commission staff then utilized a group assignment to prioritize areas determined as unserved,⁵ using the broadband mapping data as a starting point for its review. Staff triaged the projects into categories, or groups, based on the nature of each area being served and the total cost of each project. Any project comprised completely of unserved areas received a group assignment value of one (1). All remaining projects, containing some hybrid of various levels of unserved and underserved areas,

¹ Company specific publicly filed tariffs.

² United States Census Bureau, Census 2010 Summary File 1.

³ United States Census Bureau, 2010 Tiger/Line Shapefiles.

⁴ State Broadband Initiative Broadband Mapping Data, April 2013 submission.

⁵ See *In the Matter of the Petition of the Nebraska Telecommunications Association for Investigation and Review of Processes and Procedures Regarding the Nebraska Universal Service Fund*, Docket No. NUSF-77, Progression Order No. 5, ORDER at 7 (November 21, 2011).

received a group assignment of two (2) through (4), based on the total cost of the project.⁶

The Commission staff noted the dramatic increase in the number of projects submitted resulting in demand which significantly outpaced supply. As such, the Commission staff utilized total cost in the determination of the group assignment in an effort to advance the objectives of the NEBP; expanding broadband service availability to the greatest number of Nebraskans.⁷ The staff's group assignment created a priority hierarchy. Within each hierarchy, the project was then scored based on the criteria described in the staff's recommendation.

The staff recommendation did not include support for Raicom's NEBP project as funding for the current year was exhausted.

Hearing

Ms. Sue Vanicek, Director of the Department presented testimony at the hearing relative to the recommended adjustments to funding amounts. She testified that the Department reviewed each application and identified certain costs which should be excluded. Ms. Vanicek's testimony was offered and received into the record as Exhibit No. 19.

Mr. Tyler Frost, the staff Economist presented testimony related to the staff's methodology for recommending NEBP support. Mr. Frost provided further details about how the staff reviewed and scored each application. Mr. Frost's testimony was offered and received into the record as Exhibit No. 20.

No testimony in opposition to the staff recommendation was proffered by Raicom.

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

Based upon the testimony presented in this particular case, we find the application filed by Raicom for 2013 NEBP support

⁶ All projects filed for the NEBP in 2013 are independent of all other projects filed by the same applicant.

⁷ See *In the Matter of the Petition of the Nebraska Telecommunications Association for Investigation and Review of Processes and Procedures Regarding the Nebraska Universal Service Fund*, Docket No. NUSF-77, Progression Order No. 7, ORDER at 5 (January 15, 2013)(describing the NUSF Act's goal to ensure all Nebraskans have comparable access to advanced services).

should be denied consistent with the staff recommendation. However, we encourage Raicom to submit an application for 2014 NEBP support.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Application filed by Raicom, Inc. shall be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of December, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Gerald L. Vap

Red J. J. J.

//s//Anne C. Boyle
//s//Frank E. Landis

Anne Boyle
Chair

ATTEST:

Steve Meradita
Executive Director