

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-5034/
Application of GCIA Corp. d/b/a)	NUSF-84.1
STAND UP WIRELESS seeking to)	
amend its Eligible Telecommun-)	
ications Carrier designated)	ORDER GRANTING APPLICATION
service area.)	
)	
)	Entered: August 6, 2019

BY THE COMMISSION:

On January 28, 2019, GIA Corp. d/b/a STAND UP WIRELESS ("StandUp" or "Applicant") of Norcross, Georgia, filed an application seeking amendment of its Eligible Telecommunications Carrier ("ETC") service area in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on January 30, 2019. No protests were filed; however, due to outstanding questions regarding the nature of this application, this matter was set for hearing on August 27, 2019 in a Hearing Officer Order dated May 7, 2019.

FINDINGS AND OPINION

StandUp has been designated as an ETC in this state since March, 2013, pursuant to the Commission's order in Docket C-4528/NUSF-84. StandUp seeks to remove certain portions of its designated ETC service area. StandUp states that this modification is a result of StandUp changing its underlying wireless carrier to T-Mobile USA, Inc. As a result of this change, StandUp is unable to serve certain designated service areas which were previously served by their underlying wireless carrier.

StandUp asserts that the underlying carrier change has not and will not result in interruption of or loss of service for any StandUp Lifeline customers in Nebraska, and that these customers were notified in advance that they would begin receiving service over a different network, with no other change in service. Additionally, through discovery, StandUp stated that customers were provided a new device at no cost which met or exceeded minimum requirements set forth in 47 C.F.R. § 54.408(f) in order to accommodate the change.

Under 47 U.S.C. § 214(e)(4), a State commission "shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier." This section further

requires that the relinquishing ETC "shall give advance notice to the state commission . . . of such relinquishment." Prior to permitting the ETC to cease providing universal service, the Commission "shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier." While the Commission notes that StandUp did not fulfill these requirements prior to discontinuing service in the areas it wishes to remove from its designated service area, the Commission recognizes that StandUp continues to serve the majority of its service area and that customers were sufficiently notified of the change. StandUp also committed to communicating any future contemplated service changes with the Commission prior to the effective date of the change, and to proactively notify all customers of any future service changes at least sixty (60) days before such changes become effective.

Based on the foregoing, the Commission finds that the Applicant satisfies the requirements of 47 U.S.C. § 214(e) and 47 C.F.R. § 54.205 and that its application for revision of its ETC service area should be approved. The Commission further finds that because the Applicant provided all requested and necessary information in discovery, a hearing in this matter is no longer necessary and the hearing set for August 27, 2019 should be cancelled.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5034/NUSF-84.1 should be, and is hereby, granted.

IT IS FURTHER ORDERED that the Applicant will communicate any contemplated service changes with the Commission at least sixty (60) days prior to the effective date of the change, and will notify all customers of any future service changes before such changes become effective.

IT IS FINALLY ORDERED that the hearing set for August 27, 2019 in this matter should be cancelled and the docket should be considered closed.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day
of August, 2019.

COMMISSIONERS CONCURRING:

Crystal Choades
Don Williams
Tim Schwan

NEBRASKA PUBLIC SERVICE COMMISSION

Mary Keddell

Chair

ATTEST:

Michelle H. H. H.

Executive Director