

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-92.55
Public Service Commission, on its)
own motion, seeking to administer)
the Nebraska Universal Service)
Fund's Broadband Program:) GRANTED IN PART
Application to the Nebraska)
Broadband Program received from)
United States Cellular Corporation.) Entered: June 2, 2020

BY THE COMMISSION:

By Petition filed on or around January 17, 2020, United States Cellular Corporation (USCC or Applicant), sought support from the Nebraska Universal Service Fund (NUSF) dedicated wireless program. Notice of the application appeared in the Daily Record, Omaha, Nebraska on January 24, 2018. A formal intervention was filed by N.E. Colorado Cellular Inc., d/b/a Viaero Wireless (Viaero Wireless) on February 13, 2020 and was granted by the Commission on February 25, 2020.

USCC requested NUSF support for eleven (11) proposed tower sites and sought approximately \$6 million in support. USCC is headquartered in Chicago, Illinois and has a 26-state footprint. USCC was designated as an eligible telecommunications carrier (ETC) in Nebraska in 2007. USCC states that all of the proposed towers are located in sparsely populated rural areas that are uneconomic to serve and there is not a business case supporting the investment. In support of its application USCC also committed to providing a twenty-five (25) percent match to lower the costs of tower construction at the Rulo and Nemaha sites. Full funding is being requested for the remaining sites.

The staff evaluated and analyzed all information filed pursuant to the historic methodology used by the staff and approved by the Commission. Based on that evaluation, the staff recommends that the Commission approve grant support for the following six (6) tower sites submitted by USCC: Davenport, Deshler, Hordville, Nemaha, Rulo, and Stratton. The staff recommended support in the amount of \$3,179,925.50 be awarded to USCC for the construction of the aforementioned tower sites. On May 21, 2020 counsel for USCC indicated that USCC and Viaero Wireless consented to having the Commission proceeding with the Applications filed without the necessity of a hearing. While Viaero Wireless has filed a Formal Intervention in this proceeding, an agreement has been reached whereby USCC will pursue collocation agreements with Viaero Wireless for the staff recommended sites of Rulo and Davenport. As

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such, the amount allocated to fund those towers as set forth in the staff recommendation may be adjusted upon the finalization of the collocation agreements.

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

The Commission allocated \$5.2 million for the 2019 NUSF calendar funding year in which this Petition was filed. Two wireless carriers filed Petitions seeking Wireless Fund Program support. Based on the application and the staff recommendation, the Commission finds USCC's application for dedicated wireless universal service funds should be approved for the **Davenport, Deshler, Hordville, Nemaha, Rulo, and Stratton** tower sites.

Reimbursement Process:

The Commission approves reimbursement up to **\$3,179,925.50** or the **actual cost** of construction for the sites approved in this order, whichever is lower. The Commission notes that funding may be adjusted upon the finalization of the collocation agreements between USCC and Viaero Wireless.

USCC must first make the investment and then may file a request for reimbursement with the NTIPS Department. USCC does not need to complete the construction process prior to seeking reimbursement; rather, it may work with the NTIPS Department to develop intervals at which reimbursement can be sought. The dedicated wireless program will reimburse USCC for reasonable expenditures made related to the cell site approved in this Order. Once the investment is made, USCC shall file a request for support, provide the NTIPS Department with copies of the invoices and shall certify to the Department that it has made the described investment for the provision, maintenance and upgrading of facilities and services in the described rural areas.

As a dedicated wireless program recipient, the Commission finds USCC must meet the following conditions:

Infrastructure Sharing:

USCC shall be required to construct tower facilities in a manner that would accommodate collocation and sharing of additional equipment of other wireless carriers, public safety agencies, Internet providers and other providers with technologies that qualify. Such collocation will be required where technically feasible and upon commercially reasonable terms and conditions. While the Commission will not require USCC to routinely file

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collocation agreements, if an issue is raised by public safety agency or another wireless provider, the Commission will make a determination as to whether these ordered conditions are being met.

Roaming Agreements:

USCC must agree to permit roaming at commercially reasonable rates. We believe this requirement to be an important policy objective. The Commission will not require USCC to routinely file its roaming agreements. Entities denied roaming access at commercially reasonable or market-based rates may file a request with the Commission to make a determination as to whether this requirement is being satisfied.

Broadband Commitments:

To encourage the deployment of wireless broadband services in Nebraska, the Commission gives priority to applicants which commit to providing wireless broadband services. USCC must report broadband availability to the Commission upon request.

Phase II Enhanced 911 Capability:

To advance public safety, the Commission requires that the cell sites funded by this approval must have the equipment and software necessary for Phase II wireless E911 capability. In addition, in a manner consistent with federal regulations, the wireless provider must provide Phase II wireless E911 service after a request has been made by a County or Public Safety Answering Point (PSAP). USCC must certify to the completion and commitment of these requirements prior to reimbursement from the dedicated wireless program.

Reporting Requirements:

USCC shall file, on an annual basis, consistent with federally designated ETCs, the information required by the Commission's Telecommunications Rules pertaining to eligible telecommunications companies and the investment information required by the Commission's Order in Docket NUSF-66. The report should make clear to the Commission that USCC will not request reimbursement for equipment or tower construction where grant money was also received from another source. USCC shall file its annual report on or before June 1 of each year.

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In addition, the Commission expects that construction on these projects will proceed in a prompt business-like fashion. Progress reports shall be filed on an annual basis or more frequently if deemed necessary by the Commission, so that the Commission can plan for the timing of distribution for these funds.

Continuing Nature of Requirements:

The Commission will enforce these requirements for as long as the cell site is in use and providing service to customers. The Commission may take any action it deems necessary and appropriate to enforce the requirements and conditions in this Order.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria the Commission applied in this application for dedicated wireless program support. The Commission may modify the minimum requirements and conditions for future petitions for support from the dedicated wireless program.

O R D E R

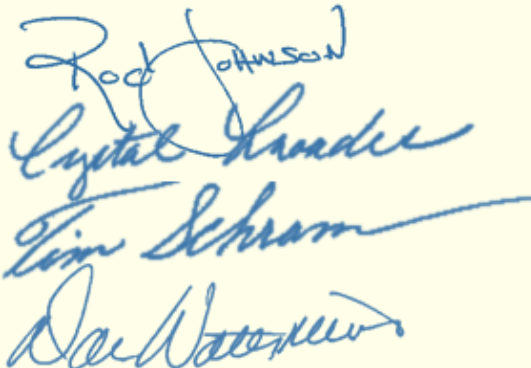
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application filed by United States Cellular Corporation shall be and it is hereby granted, in part, as provided herein.

IT IS FURTHER ORDERED that United States Cellular Corporation shall be subject to all terms and conditions adopted in this Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 2nd day of June, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:





Chair

ATTEST:


Executive Director