

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-61.16
Public Service Commission,)
seeking to review traffic)
studies to determine the)
appropriate percentage of)
assessable revenues subject to) ORDER
the Nebraska Universal Service)
Fund: New Cingular Wireless PCS,)
LLC and Cricket Wireless, LLC)
request for approval of Traffic)
Study.) Entered: August 11, 2020

BY THE COMMISSION:

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

On June 24, 2020 New Cingular Wireless PCS, LLC and Cricket Wireless, LLC ("Applicants") filed a request seeking Commission approval of their traffic study calculations for calendar year 2019. Applicants used quarterly federal universal service fund traffic studies to calculate the assessable intrastate revenues for the Nebraska Universal Service Fund (NUSF). Notice of the application appeared in The Daily Record, Omaha, Nebraska on July 1, 2020. No protests or interventions were filed; therefore, the Commission processed this application pursuant to its Rule of Modified Procedure.

In June 2006, the Federal Communications Commission examined the safe harbor percentage for wireless carrier revenues that should be considered interstate. The FCC raised the wireless safe harbor percentage from 28.5 percent (28.5%) to 37.1 percent (37.1%) for interstate contributions. The FCC also allows companies to report a percentage of revenue (through a traffic study or actual traffic data) as an alternative to the safe harbor upon request and documentation.

Similarly, the Commission has adopted a rule that permits a carrier to use the relevant FCC safe harbor provisions or to request the Commission to approve an allocation factor. See Neb. Admin. Code, Title 291, Chapter 10, Rule 002.01D1b.

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In its request, Applicants confidentially filed a copy of the historic traffic study allocations used as an alternative to the FCC safe harbor provision. Applicants used the traffic study percentages to determine intrastate revenues for NUSF assessment in 2019.

Upon review of the request made by the Applicants, the Commission is of the opinion and finds the request should be granted. The allocation factors are approved as provided in the confidential attachment to this Order. The Commission finds it should keep the traffic study information and updates filed by the Applicants confidential as requested.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the allocation factors contained in Confidential Attachment "A" shall be, and they are hereby, approved.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 11th day of August, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rock Johnson
Crystal Sanchez
Tom Schram
Dee Watson

Mary Keddin
Chair

ATTEST:

Michael S. Hyl
Executive Director