

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-5191/
of Mobius Communications)	NUSF-122
Company, Hemingford, Nebraska,)	
seeking Designation as an)	ORDER GRANTING APPLICATION
Eligible Telecommunications)	FOR EXPANSION OF ELIGIBLE
Carrier in the State of)	TELECOMMUNICATIONS CARRIER
Nebraska.)	STATUS
)	
)	Entered: January 12, 2021

BY THE COMMISSION:

On December 2, 2020, Mobius Communications Company ("Mobius" or "Applicant") of Hemingford, Nebraska, filed an application seeking expansion of its Eligible Telecommunications Carrier ("ETC") status in Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 11, 2020. No formal interventions were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

Applicant currently holds an ETC designation in Nebraska, as granted by the Commission in Commission Docket No. C-3480/NUSF-49, in an order dated March 7, 2006. This designation is limited to certain territory within Nebraska and described in the March 7th, 2006 Order. Applicant wishes to expand its ETC designation to extend throughout the State of Nebraska.

The federal Communications Act of 1934, 47 U.S.C. § 214(e), sets forth the standards and processes for a state commission to grant carriers the designation of a federal eligible telecommunications carrier. Additionally, 291 Neb. Admin. Code § 5-009 of the Commission Rules contains the requirements for Commission designation of ETCs and NETCs.

This application is for an expansion of the Applicant's territory, rather than a novel application for ETC status. The Commission has previously reviewed the Applicant's ability to meet the federal requirements for eligible telecommunications carriers, and found that Applicant met those requirements. The Commission has further reviewed the Applicant's submitted information and finds that it meets the requirements set forth in Commission Rules. The Commission therefore finds that the Applicant should be permitted to expand its service territory statewide.

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In its provision of service as an ETC within the State of Nebraska, Applicant must continue to comply with all applicable state and federal statutes, rules, and regulations. Generally speaking, as set forth in Section 214(e), Applicant must: 1) be a common carrier;¹ 2) offer the services supported by the federal fund;² and 3) advertise the availability of those services.³ Federal and state regulations contain additional eligibility requirements that must be met by all ETCs.⁴ The Commission Rules also require ETCs to participate in the Nebraska Telephone Assistance Program ("NTAP") and comply with applicable NTAP rules.⁵

Upon review of the Application and Applicant's current status as an ETC, we find Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e), as well as other applicable state and federal laws and regulations, for expansion of its ETC status to include census blocks statewide. The Application therefore should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5191/NUSF-120 should be, and is hereby, granted, and Mobius Communications Company is designated as an eligible telecommunications carrier in the State of Nebraska, as requested in the Application consistent with the findings and conclusions made herein.

IT IS FURTHER ORDERED that Mobius Communications Company is hereby declared to be a Nebraska Eligible Telecommunications Carrier for the limited purpose of receiving state universal service support to participate in the Nebraska Telephone Assistance Program.

IT IS FURTHER ORDERED that Mobius Communications Company shall file information with the Commission evidencing it is advertising through media of general distribution statewide on or before July 1st each year hereafter.

IT IS FURTHER ORDERED that Mobius Communications Company shall file with the Commission copies of its annual reports filed with the FCC pursuant to 47 C.F.R. § 54.313, within thirty (30) days of

¹ See 47 C.F.R. § 153(10).

² 47 C.F.R. §§ 54.101(a), 54.202(a); 291 Neb. Admin. Code § 5-009.02A2.

³ See 47 U.S.C. § 214(e) (1) (B); 291 Neb. Admin. Code § 5-009.02A3.

⁴ See 47 C.F.R. § 54.202(a); 291 Neb. Admin. Code § 5-009.02.

⁵ 291 Neb. Admin. Code § 10-004.04.

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the date such reports are filed with the FCC. If Applicant desires a protective order for any confidential information submitted in these reports, Applicant must request one at least sixty (60) days prior to the due date of the first filing.

IT IS FURTHER ORDERED that Mobius Communications Company shall file a copy of this Order with the Universal Service Administrative Company ("USAC") and the FCC to commence its eligibility for receipt of federal universal service support effective as of the date of this Order.

IT IS FINALLY ORDERED that should Mobius Communications Company receive an award in any FCC funding auctions or other opportunities, it shall file with the Commission no later than thirty (30) days following the award a detailed description and map showing its service area pursuant to the award.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 12th day of January, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Brader
Mary Keddin
Tim Schram

Don Watson

Chair

ATTEST:

Michael S. Hyatt

Executive Director