

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska        ) Application No. NUSF-61.19  
Public Service Commission,        )  
seeking to review traffic        )  
studies to determine the        )  
appropriate percentage of        ) ORDER  
assessable revenues subject to       )  
the Nebraska Universal Service       )  
Fund: MetroPSC Michigan, LLC's       )  
request for approval of traffic       ) Entered: April 27, 2021  
study.

BY THE COMMISSION:

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

On December 15, 2020, MetroPSC Michigan LLC filed a request with the Commission to accept the results of its traffic study conducted in 2017. MetroPSC Michigan LLC proposes to use the inverse percentage to determine the assessable intrastate revenues for the Nebraska Universal Service Fund (NUSF). Notice of the application appeared in the Daily Record, Omaha, Nebraska on February 5, 2021. 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 considered 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.

In its request, MetroPSC Michigan LLC confidentially filed a copy of the company's traffic study submission to the FCC and USAC to establish an allocation factor to use as an alternative to the FCC safe harbor provision. MetroPSC Michigan LLC requests retroactive approval to use the inverse of the federal traffic

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study percentage to report intrastate revenues for NUSF assessment as of July 1, 2017 through July 18, 2018, when MetroPSC Michigan, LLC transitioned to the FCC safe harbor provision.

Upon review of the request made by MetroPSC Michigan LLC, the Commission is of the opinion and finds that, where applicable its request to contribute to the NUSF based on its traffic study should be, and is hereby, approved. The allocation factor is approved as provided in the confidential attachment to this Order. The Commission finds it should keep the traffic study information and updates filed by MetroPSC Michigan LLC, confidential as requested.

## O R D E R

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

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 27th day of April, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Crystal Brader*  
*Mary Keddin*  
*Tim Schram*

*Don Watson*  
Chair

ATTEST:

*Michael S. Hyatt*  
Executive Director