

## SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	Application No. C-5216/
Application of Glenwood	)	NUSF-126
Telecommunications, Inc., Blue	)	
Hill, Nebraska, seeking	)	ORDER GRANTING APPLICATION FOR
Designation as an Eligible	)	ELIGIBLE TELECOMMUNICATIONS
Telecommunications Carrier in	)	CARRIER STATUS
the State of Nebraska.	)	
	)	
	)	Entered: May 11, 2021

BY THE COMMISSION:

On March 1, 2021, Glenwood Telecommunications, Inc. of Blue Hill, Nebraska ("Glenwood") filed an application seeking Eligible Telecommunications Carrier ("ETC") status. Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 5, 2021. No formal interventions were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

## FINDINGS AND OPINION

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. 291 Neb. Admin. Code § 5-009 of the Commission Rules contains the requirements for Commission designation of ETCs and NETCs.

The three general requirements listed in Section 214(e) are: 1) the carrier must be a common carrier; 2) the carrier must offer the services supported by the federal fund; and 3) the carrier must advertise the availability of those services. The carrier must also demonstrate the ability to fulfill the requirements throughout the service area for which the carrier is seeking ETC designation.

## 1. Common Carrier

The Act defines a common carrier as a person engaged as a common carrier on a for-hire basis in interstate communications utilizing either a wire or radio technology.<sup>1</sup> Glenwood is a local

<sup>1</sup> See 47 C.F.R. § 153(10).

exchange and interexchange carrier engaged in the provision of telecommunications in the State of Nebraska. The Applicant therefore meets this requirement.

## **2. Supported Services**

Federal regulations and Commission rules both require an ETC to demonstrate that it will offer the services that are supported by federal universal service.<sup>2</sup> The FCC's requirements under 47 C.F.R. § 54.101(a) are as follows:

- a. voice-grade access to the public switched network or its functional equivalent;
- b. minutes of use for local service without additional charge to the end user;
- c. access to emergency services; and
- d. toll limitation for qualifying low-income consumers.

The Commission finds that the Applicant meets each of these requirements, as described below.

### *A. Voice Grade Access to the Public Switched Network*

Applicant provides voice grade access to the public switched telephone network through voice over internet protocol ("VoIP"), as required under § 54.101(a).

### *B. Local Usage*

The FCC has defined "local usage" to mean an amount of minutes of use of exchange services provided free of charge to end users.<sup>3</sup> Applicant proposes to offer unlimited local calling.<sup>4</sup>

### *C. Access to Emergency Services*

The Applicant states that it provides its customers with access to emergency services by dialing 911 in accordance with federal and state requirements.<sup>5</sup> Applicant states that emergency calls from Glenwood customers are connected to other carriers' networks via high-speed Session Initiation Protocol trunks at

---

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

<sup>3</sup> 47 C.F.R. § 54.101(a)(2).

<sup>4</sup> Applicant's Responses to Staff Data Requests ("Data Requests"), Item 22.

<sup>5</sup> Data Requests, Item 16.

Glenwood's central office.<sup>6</sup> Applicant further states that it has designed its network with redundancy and resiliency to ensure back-up power and functionality in the event of power loss or other adverse events. Subscribers are also offered additional battery backup.<sup>7</sup>

*D. Toll Limitation for Qualified Low-Income Customers*

Applicant will offer toll limitation services to qualifying low-income consumers at no additional charge in compliance with 47 C.F.R. § 54.101.<sup>8</sup>

**3. Advertisement of Services**

Federal and state regulations require an ETC to advertise the availability of supported services and related charges using media of general distribution.<sup>9</sup> ETCs must also publicize the availability of Lifeline or NTAP services in a manner reasonable calculated to reach those that qualify for the service.

Based on the Application and evidence submitted, we find Applicant has provided sufficient commitments to advertise the availability of such services and charges using media of general distribution and in a manner that is designed to reach those likely to qualify for such services. Applicant states that it will advertise the availability of its services and charges using media of general distribution and in a manner consistent with applicable requirements.<sup>10</sup>

**4. Designated Service Area**

Glenwood states in its Application that it is seeking ETC designation statewide in Nebraska.<sup>11</sup>

**5. Additional Eligibility Criteria**

Federal regulations at 47 CFR § 54.202 contain additional eligibility requirements that must be met by any carrier seeking

---

<sup>6</sup> Data Requests, Items 16-17.

<sup>7</sup> *Id.* at 17.

<sup>8</sup> Application at 1, Data Requests, Item 11.

<sup>9</sup> See 47 U.S.C. § 214(e) (1) (B); 291 Neb. Admin. Code § 5-009.02A3.

<sup>10</sup> Data Requests, Item 19.

<sup>11</sup> Application at 1.

## SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Application No. C-5216/NUSF-124

Page 4

ETC designation.<sup>12</sup> Commission Rules substantially mirror the FCC requirements.<sup>13</sup> To meet the additional requirements a company must:

- a. Certify it will comply with the service requirements applicable to the support it receives;
- b. Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network;
- c. Demonstrate its ability to remain functional in emergency situations; and
- d. Demonstrate that it will satisfy applicable consumer protection and service quality standards.

### *A. Applicable Service Requirements*

Glenwood states that it seeks to provide high-speed broadband service in its RDOF territories in compliance with the requirements of the RDOF auction. Glenwood will therefore provide broadband access at 1 Gbps download / 500 Mbps upload speeds pursuant to the terms of the RDOF funding.<sup>14</sup>

### *B. Five Year Service Improvement Plan*

An applicant for ETC status is required to submit to the Commission a five-year plan describing its proposed service improvements or upgrades.<sup>15</sup> Glenwood states that it will comply with all applicable Nebraska and FCC requirements with respect to such reports.<sup>16</sup>

### *C. Ability to Remain Functional in Emergency Situations*

ETC applicants must demonstrate an ability to remain functional during emergency situations.<sup>17</sup> Applicant has indicated it will demonstrate its ability to remain functional in emergency situations.<sup>18</sup> The Commission finds that Applicant meets this requirement.

---

<sup>12</sup> See 47 C.F.R. § 54.202(a).

<sup>13</sup> See 291 Neb. Admin. Code § 5-009.02.

<sup>14</sup> Discovery Requests, Item 23.

<sup>15</sup> 47 C.F.R. § 54.202(a)(1)(ii); 291 Neb. Admin. Code § 5-009.02A6.

<sup>16</sup> Application at 3.

<sup>17</sup> 47 C.F.R. § 54.202(a)(2); 291 Neb. Admin. Code § 5-009.02A7.

<sup>18</sup> Data Requests, Item 16.

*D. Consumer Protection and Service Quality Standards*

We next examine Applicant's commitment to service quality. An ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.<sup>19</sup> In its Application, Applicant committed to satisfying all consumer protection and service quality standards provided by the FCC and any state specific consumer protection and service quality standards.<sup>20</sup> We find that Applicant has satisfied the requirement to demonstrate it will comply with applicable consumer protection and service quality standards.

**6. Public Interest**

Applicants for ETC status must demonstrate that such designation is consistent with the public interest, convenience, and necessity.<sup>21</sup> The public interest consideration may include the benefits of increased consumer choice and the unique advantages and disadvantages of the Applicant's service offerings.

Applicant states that its designation as an ETC will advance the public interest by making quality voice and broadband services available in rural, high-cost areas at rates comparable to urban areas.<sup>22</sup> Applicant further states that deploying its infrastructure will provide residents and business with improved access to economic opportunities, education, information, health care, and entertainment, as well as increasing consumers' competitive choices.<sup>23</sup>

Based on the evidence before us, we conclude that Applicant's service offerings will provide a public interest benefit and its business plan provides a unique advantage to consumers. We find Applicant has demonstrated that its designation as an ETC would be consistent with the public interest, convenience, and necessity.

---

<sup>19</sup> 47 C.F.R. § 54.202(a)(3), 291 Neb. Admin. Code § 5-009.02A8.

<sup>20</sup> Application at 4.

<sup>21</sup> 47 C.F.R. § 54.202(b); 291 Neb. Admin. Code § 5-009.02A1.

<sup>22</sup> Application at 3.

<sup>23</sup> *Id.*

## **7. Provision of Continuous Service**

Commission Rules require that an ETC not only demonstrate the ability and commitment to provide the supported services listed above, but must also demonstrate the ability to continuously provide such services in its designated Service Area.<sup>24</sup> We find, upon our review of the Application and responses to Commission Data Requests, that Applicant has committed to provide the supported services listed above continuously throughout the census blocks of its Service Area.

## **8. Provision of Service to Requesting Customers**

The Commission's Rules require an ETC to demonstrate its commitment to provide service throughout the designated area to all customers who make reasonable request for service.<sup>25</sup> Applicant states that it is committed to providing service to all customers making a reasonable request for service within its designated service area.<sup>26</sup>

We find Applicant has demonstrated an ability and commitment to satisfy its obligation to provide service upon reasonable request throughout the Company's requested service areas.

## **9. Nebraska Telephone Assistance Program**

The Commission Rules require carriers designated as an ETC for purposes of receiving USF support to participate in the Nebraska Telephone Assistance Program ("NTAP") and comply with applicable NTAP rules.<sup>27</sup> Applicant states that it will provide services pursuant to the NTAP program.

## **10. Conclusion**

In summary, upon review of the Application and evidence presented at the hearing, we find Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e) and applicable state and federal law for the designation of eligible telecommunications carriers in the proposed census block areas, and the Application should be approved.

---

<sup>24</sup> 291 Neb. Admin. Code § 5-009.02A4.

<sup>25</sup> 291 Neb. Admin. Code § 5-009.02A5.

<sup>26</sup> Application at 2. See also 291 Neb. Admin. Code § 5-009.02(A)(5)(b).

<sup>27</sup> 291 Neb. Admin. Code § 10-004.04.

## SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Application No. C-5216/NUSF-124

Page 7

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5216/NUSF-124 should be, and is hereby, granted, and Glenwood Telecommunications, Inc. 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 Glenwood Telecommunications, Inc. is hereby declared to be a Nebraska Eligible Telecommunications Carrier.

IT IS FURTHER ORDERED that Glenwood Telecommunications, Inc. shall file information with the Commission evidencing it is advertising through media of general distribution on or before July 1<sup>st</sup> each year hereafter.

IT IS FURTHER ORDERED that Glenwood Telecommunications, Inc. 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 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 Glenwood Telecommunications, Inc. 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 Glenwood Telecommunications, Inc. 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.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Application No. C-5216/NUSF-124

Page 8

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 11th day of May, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Crystal Brander*  
*Mary Kidden*  
*Tim Schram*

*Don Watson*

Chair

ATTEST:

*Michael S. Hyl*

Executive Director