

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-113/PI-220
Public Service Commission, on)
its own motion, to determine) ORDER CLOSING DOCKET
contribution requirements)
relative to prepaid wireless)
providers.) Entered: December 14, 2021

BY THE COMMISSION:

On August 28, 2018, the Nebraska Public Service Commission (Commission) initiated this proceeding to investigate and implement any needed requirements relative to prepaid wireless providers as a result of LB 157 and the findings made by the Commission in its contribution reform dockets.

On April 4, 2018, the Governor signed LB 157, which established a point-of-sale mechanism for the collection and remittance of NUSF assessments for prepaid wireless service. Specifically, Neb. Rev. Stat. § 86-328 now provides,

(3) For purposes of service by a prepaid wireless telecommunications service provider, universal service fund contribution and surcharge obligations shall be governed by the Prepaid Wireless Surcharge Act, except that a prepaid wireless telecommunications service provider shall continue to be subject to the audit requirements in subdivision (2)(d) of section 86-324.

Pursuant to the Prepaid Wireless Surcharge Act, the Department of Revenue is required to determine the NUSF prepaid wireless surcharge annually based on Neb. Rev. Stat. §86-903(2) which was amended to read as follows:

(2)(c) The percentage obtained by multiplying (i) the Nebraska Telecommunications Universal Service Fund surcharge percentage rate set by the Public Service Commission by (ii) one minus the Federal Communications Commission safe harbor percentage for determining the interstate portion of a fixed monthly wireless charge.

During the legislative session AM 1906 was offered as an amendment to LB 157. That amendment included specific language referencing the calculation of the surcharge in the event the

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-113/PI-220

Page 2

Commission established a connections-based contribution mechanism. Subsequently, AM 1906 was withdrawn and that specific reference to a connections-based mechanism language was not included in LB 157. We sought comment on whether the Commission should assess prepaid wireless service through a connections-based contribution mechanism.

Subsequent to opening this proceeding, and after comment and hearing in a more comprehensive proceeding, the Commission found that prepaid wireless carrier services should remain subject to a revenues-based surcharge.¹ Accordingly, the Commission enters this Order to close this proceeding.





O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be and it is hereby closed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 14th day of December, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Deputy Director

¹ See *In the Matter of the Nebraska Public Service Commission, on its own motion, to consider revisions to the Contribution Methodology and Determine a Rate Design for Services Currently Subject to a Revenues-based Surcharge*, NUSF-119/PI-233, Order (May 11, 2021) at 26.