

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-61.20
Public Service Commission, seeking)
to review traffic studies to)
determine the appropriate)
percentage of assessable revenues) ORDER
subject to the Nebraska Universal)
Service Fund: Consumer Cellular)
request for approval of Traffic)
Study.) Entered: December 14, 2021

BY THE COMMISSION:

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

On October 5, 2021 Consumer Cellular ("Applicant") filed a request seeking Commission approval of its traffic study calculations for calendar year 2021. 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 October 12, 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 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.

In its request, Applicant confidentially filed a copy of the historic traffic study allocations used as an alternative to the FCC safe harbor provision. Applicant used the traffic study percentages to determine intrastate revenues for NUSF assessment in 2021.

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Upon review of the request made by the Applicant, 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 Applicant 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 14th day of December, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rob Johnson
Crystal Broadus
Mary Kiddy
Tim Schram

Don Watson
Chair

ATTEST:

Shanice Khutson
Deputy Director