

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. NUSF-61.21
Public Service Commission, to)	
review traffic studies to)	
determine the appropriate)	
percentage of assessable)	
revenues subject to the)	ORDER APPROVING TRAFFIC
Nebraska Universal Service)	STUDIES
Fund: New Cingular)	
Wireless PCS LLC/Cricket)	
Wireless, LLC request for)	
approval of Traffic)	
Study.)	Entered: March 29, 2022

BY THE COMMISSION:

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

On October 24, 2020 and on November 16, 2021, New Cingular Wireless PCS, LLC and Cricket Wireless, LLC ("Applicants") filed requests seeking Commission approval of their traffic study calculations for calendar years 2020 and 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 January 12, 2022. 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 291 Neb. Admin. Code, § 10-002.01D1b.

In its requests, Applicants confidentially filed a copy of the historic traffic study allocations used as an alternative to

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the FCC safe harbor provision. Applicants used the traffic study percentages to determine intrastate revenues for NUSF assessment in 2020 and 2021.

Upon review of the request made by the Applicants, 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 that the traffic study information and updates filed by the Applicants shall be treated as confidential materials.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the allocation factors contained in Confidential Attachments "A" and "B," relating to calendar years 2020 and 2021 respectively, shall be, and they are hereby, approved.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 29th day of March, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Brander
Mary Kidden
Tim Schram

Don Watson
Chair

ATTEST:

Thomas W. Golden
Executive Director