

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-5379/NUSF-132
of HunTel CableVision, Inc.,)
Blair, Nebraska, seeking)
expansion of its designation as) ORDER GRANTING APPLICATION
an Eligible Telecommunications)
Carrier in the State of)
Nebraska.) Entered: April 12, 2022

BY THE COMMISSION:

On February 28, 2022, HunTel CableVision, Inc. of Blair, Nebraska ("HunTel" or "Applicant") filed an application seeking expansion of its designation as an Eligible Telecommunications Carrier ("ETC") in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 3, 2022. No formal interventions were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

In support of its application, HunTel states that in 2006, in Commission Docket No. C-3581/NUSF-55, HunTel was granted ETC authority in the areas of the state in which HunTel held CLEC authority.¹ In the present application, HunTel seeks to expand its ETC designation to include those exchange areas served by Citizens Telecommunication Company of Nebraska d/b/a Frontier Communications of Nebraska and Windstream Nebraska, Inc. The Applicant states that this application is in the public interest as it will facilitate the FCC's and the Commission's goal of developing voice and broadband networks in rural, high-cost areas.

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

The federal Communications Act of 1934, 47 U.S.C. § 214(e) ("the Act"), 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.

¹ Commission Docket No. C-3581/NUSF-55, *In the Matter of the Application of HunTel CableVision, Inc., d/b/a HunTel Communications, Blair, seeking designation as an Eligible Telecommunications Carrier (ETC) in its designated service area in the state of Nebraska*, Order Granting Designation as an Eligible Telecommunications Carrier (Sept. 26, 2006).

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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.² Applicant has been operating in Nebraska as a provider of competitive local exchange carrier services since 2003.³ The Commission finds Applicant has provided sufficient evidence that it operates as a common carrier in Nebraska.

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.⁴ The FCC's requirements under 47 C.F.R. § 54.101(a)(1) 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.⁵

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

A. Voice Grade Access to the Public Switched Network

HunTel offers voice grade access to the public switched network to customers it serves throughout its service area in Nebraska using either its own facilities or through resale of

² See 47 C.F.R. § 153(11).

³ See Commission Docket Nos. C-2862 (granting Applicant CLEC authority) and C-3828 (expanding Applicant's service territory statewide).

⁴ 47 C.F.R. §§ 54.101(a), 54.202(a); 291 Neb. Admin. Code § 5-009.02A2.

⁵ See *Lifeline Reform Order* at 207-208.

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another carrier's services. We find that Applicant provides voice grade access to the public switched network as required under 47 C.F.R. § 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.⁶ Applicant offers flat-rated local exchange service free of per minute charges, and dual tone multi-frequency signaling.

C. Access to Emergency Services

HunTel states that it provides its customers with access to emergency services by dialing 911 in accordance with federal and state requirements.⁷ Applicant also provides access to operator services, equal access to interexchange services, access to directory assistance, and access to 711 Telecommunications Relay Service.

D. Toll Limitation for Qualified Low-Income Customers

HunTel has certified that it provides toll limitation services to qualifying low-income consumers in compliance with 47 C.F.R. § 54.101.

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.⁸ ETCs must also publicize the availability of Lifeline or NTAP services in a manner reasonably calculated to reach those that qualify for the service.

Based on the Application and evidence submitted, we find the 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.

⁶ 47 C.F.R. § 54.101(a)(2).

⁷ *Id.*

⁸ See 47 U.S.C. § 214(e)(1)(B); 291 Neb. Admin. Code § 5-009.02A3.

4. Designated Service Area

HunTel states in its Application that it is seeking expansion of its designated ETC service area, to include exchange areas served by Citizens Telecommunication Company of Nebraska d/b/a Frontier Communications of Nebraska and Windstream Nebraska, Inc. We find Applicant's request is reasonable and should be granted.

5. Additional Eligibility Criteria

Federal regulations, found at 47 CFR § 54.202, contain additional eligibility requirements that must be met by any carrier seeking ETC designation.⁹ Commission Rules substantially mirror the FCC requirements.¹⁰ 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

HunTel certifies that it will comply with the service requirements applicable to the support it receives.¹¹

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.¹² The Applicant in this docket has indicated that it will file a five-year plan for network

⁹ See 47 C.F.R. § 54.202(a).

¹⁰ See 291 Neb. Admin. Code § 5-009.02.

¹¹ Application at 4.

¹² 47 C.F.R. § 54.202(a)(1)(ii); 291 Neb. Admin. Code § 5-009.02A6.

deployment, improvements, and upgrades to the Commission consistent with state and federal requirements.¹³

C. Ability to Remain Functional in Emergency Situations

ETC applicants must demonstrate an ability to remain functional during emergency situations.¹⁴ HunTel has indicated it will demonstrate its ability to remain functional in emergency situations.¹⁵ The Commission finds that HunTel meets this requirement, subject to the requirements set forth in paragraph 2(C) above.

D. Consumer Protection and Service Quality Standards

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.¹⁶ We find that Applicant has satisfied the requirement to demonstrate it will comply with applicable consumer protection and service quality standards.¹⁷

6. Public Interest

Applicants seeking ETC designation must demonstrate that such designation is consistent with the public interest, convenience, and necessity.¹⁸ 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, especially areas now unserved or underserved. The availability of these networks and the services provided will create important opportunities for consumers and businesses in the modified area. We find Applicant has demonstrated that its designation as an ETC would be consistent with the public interest, convenience, and necessity.

¹³ Application at 4.

¹⁴ 47 C.F.R. § 54.202(a)(2); 291 Neb. Admin. Code § 5-009.02A7.

¹⁵ Application at 4.

¹⁶ Application at 4.

¹⁷ 47 C.F.R. § 54.202(a)(3), 291 Neb. Admin. Code § 5-009.02A8.

¹⁸ 47 C.F.R. § 54.202(b); 291 Neb. Admin. Code § 5-009.02A1.

7. Provision of Continuous Service

The Commission requires 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.¹⁹ We find, upon our review of the Application, that Applicant has committed to provide the supported services listed above continuously throughout its designated 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.²⁰ Applicant states that it will provide services continuously throughout its service areas, to all customers making reasonable requests for service, and that it will do so in a timely manner.

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's Rules require carriers designated as ETC for purposes of receiving USF support to participate in the Nebraska Telephone Assistance Program ("NTAP") and comply with applicable NTAP rules.²¹ We find Applicant has met this requirement historically and will continue to meet this requirement going forward.

10. Conclusion

In summary, upon review of the Application 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 expansion of its ETC service territory as described above. Accordingly, the Application should be approved.

¹⁹ 291 Neb. Admin. Code § 5-009.02A4.

²⁰ 291 Neb. Admin. Code § 5-009.02A5.

²¹ 291 Neb. Admin. Code § 10-004.04.

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O R D E R


IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5379/NUSF-132 should be, and is hereby, granted.

IT IS FURTHER ORDERED that the ETC and NETC service areas for HunTel CableVision, Inc. be, and are hereby, modified as requested.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 12th day of April, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Rod Johnson
Mary Kadden
Tim Schram


Chair

ATTEST:


Thomas W. Golden
Executive Director