

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. C-1628/NUSF
on its own motion, seeking to)
conduct an investigation into)
intrastate access charge reform) PROGRESSION ORDER NO. 28
and intrastate universal service)
fund.)
) Entered: March 16, 2010

BY THE COMMISSION:

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

This Matter comes before the Commission upon the request filed by Windstream Nebraska Inc. (Windstream) on February 24, 2010, and amended on March 4, 2010, for approval of a modification in the calculation of its earnings.

Windstream requests permission to change the election selected in the required reporting of earnings from a one-year to a three-year period reflecting data from 2006, 2007 and 2008. Windstream requests that this change be effective for the 2008 reporting period. In addition, Windstream requests that its election not impact the amount of support committed to other eligible carriers under the high-cost distribution mechanism for the 2010 payment year which has already been determined. Windstream further clarified that its request should be limited so that the change in election does not affect the Fund's reasonable reserve balance as determined by the Nebraska Telecommunications Infrastructure and Public Safety (NTIPS) Department.

In the C-1628 Order, the Commission permitted incumbent local exchange carriers (ILECs) to utilize a one-year or three-year averaged period for the determination of the ILEC's earnings relative to the calculation of NUSF payments. Windstream has not previously requested a change in its election. Although the Commission will not consider requests such as this lightly, upon review of the particular facts which led to Windstream's request and being fully advised on the premises, the Commission finds that the request for a change in election filed by Windstream should be approved effective for the 2008 reporting period as requested with the limitations provided. Windstream shall file its 2008 NUSF-EARN Form, which reflects the data from 2006, 2007 and 2008, along with its NUSF-EARN Forms for each of the specified years, no later than two weeks following the date this Order is entered.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the request filed by Windstream should be and it is hereby granted as set forth herein.

IT IS FURTHER ORDERED that Windstream file its 2008 NUSF-EARN Form which reflects the data from 2006, 2007 and 2008, along with its NUSF-EARN Forms for each of the specified years, no later than two weeks from the date this Order is entered.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of March, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director