

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1693
of Cox Nebraska Telcom II, L.L.C,)
of Omaha, Nebraska, seeking desig-) Motion to Clarify
nation as an Eligible Telecom-) Sustained
munications Carrier that may) All Other Motions Denied
receive universal service)
support.) Entered: January 27, 1998

BY THE COMMISSION:

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

By application filed November 21, 1997, Cox Nebraska Telcom II, L.L.C. (Cox) of Omaha, Nebraska, seeks designation as an Eligible Telecommunications Carrier (ETC) that may receive universal service support in Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on November 25, 1997, pursuant to the rules of the Commission. Formal interventions were filed by the Nebraska Independent Telephone Association (NITA), Cambridge Telephone Co., Clarks Telephone Co., Consolidated Telco, Consolidated Telephone Co., Great Plains Communications, HunTel Systems and Southeast Nebraska Telephone Co. (hereinafter referred to collectively as "the intervenors").

On January 9, 1998, all intervenors, except the NITA, filed Motions for Clarification and/or Motions to Stay and/or Motions for a Prehearing Conference. The movants are rural telephone companies providing service in Nebraska and request that the Commission clarify that the ETC designation herein shall have no force or precedential effect with regard to rural service areas. In the alternative, the movants request the Commission stay this docket pending the outcome of the access charge reform/state universal service docket, C-1628, or to schedule a prehearing conference to discuss the scope of the application.

On January 26, 1998, Cox filed an affidavit clarifying that it is only requesting ETC status in the Omaha metropolitan area that is currently served by US West. As such, applicant is not applying for ETC designation in any territories served by a rural telephone company.

In consideration of the application, the motions and affidavit, we find it is unnecessary to hold the application in abeyance or to schedule a prehearing conference. The applicant does not request ETC designation in areas served by any of the movants. Therefore, the motions to stay and motions for prehearing conference should be denied.

We find it is appropriate, however, to clarify that this application shall have no force or precedential effect with re-

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gard to rural service areas. We acknowledge that a different standard exists in the Telecommunications Act of 1996 with regard to designating ETCs in rural service areas. Accordingly, we find that criteria should be developed prior to designating a carrier as an ETC in rural service areas. This application, however, does not raise this issue. The motion to clarify should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion to Clarify filed by the formal intervenors be, and it is hereby, sustained. All other motions are denied.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of January, 1998.

COMMISSIONERS CONCURRING:

Ann C. Boyle

//s//Lowell C. Johnson

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Lowell C. Johnson
Chairman

ATTEST:

Robert B. Fogden
Executive Director