

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. C-1693  
Cox Nebraska Telcom II, L.L.C. of )  
Omaha, Nebraska, seeking designation )  
as an Eligible Telecommunications ) GRANTED  
Carrier that may receive universal )  
service support. ) Entered: March 10, 1998

BY THE COMMISSION:

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. 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 Telephone Association (NTA), 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. No protests were filed.

On January 9, 1998, all of the intervenors, except the NTA and the NITA, filed a Motion for Clarification, a Motion to Stay and/or a Motion for a Prehearing Conference. In response to the motions, Cox filed an affidavit with the Commission on January 26, 1998. In its affidavit, Cox clarified that it is only requesting ETC status in the exchanges served by US West Communications in the Omaha metropolitan area. Cox is not seeking ETC status for any area served by a rural telephone company.

In light of the affidavit filed by Cox, the Commission entered a January 28, 1998, order sustaining the Motion to Clarify. In that order the Commission denied both the Motion to Stay and the Motion for a Prehearing Conference.

A hearing on the matter was originally scheduled for February 19, 1998. On February 11, 1998, Commission staff sent a data request to Cox, and the hearing was postponed. Cox submitted a response to the request on February 23, 1998. On March 6, 1998, Cox submitted a supplement to its initial response.

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

Upon review of the application and the information filed in response to the staff request for data, we find:

1. Cox offers services that are supported by federal universal service support mechanisms under section 254(c) either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

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2. Cox advertises the availability of such services and the general charges, therefore, using media of general distribution.

As Cox has met the criteria set forth in U.S.C. 214(e), we find the application should be granted. There is no need to hold a hearing on this matter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1693 be, and it is hereby, granted and Cox Nebraska Telcom II, L.L.C. is hereby declared to be an Eligible Telecommunications Carrier in the areas served by US West Communications in the Omaha metropolitan area.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of March, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s//Lowell C. Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

  
Chairman

ATTEST:

  
Executive Director