

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of GCC License	)	Application No. C-1889
Corporation (Western Wireless),	)	
Issaquah, Washington, seeking	)	ORDER DISAPPROVING THE
designation as an Eligible	)	SECOND AMENDED ADVERTISING
Telecommunications Carrier that	)	PLAN
may receive Universal Service	)	
support.	)	Entered: June 18, 2002

BY THE COMMISSION:

On February 26, 2002, Western Wireless filed a Second Amended Advertising Plan after receiving direction from the Commission to amend its advertising plan at the oral argument held on February 14, 2002. On March 25, 2002, the Commission received an objection to the Second Amended Advertising Plan from the Intervenor, collectively identifying themselves as the "Independents" in this proceeding.

Upon review of the Second Amended Advertising Plan and the objection filed by the Intervenor, the Commission finds as follows:

The Commission finds that the method by which the applicant proposes to inform its customers about the geographic limitations on the service and the local calling area is not sufficient. The Commission's main concern is that customers would not be expressly notified of the limitations in geographic scope and local calling area prior to signing up for service. The Commission finds that a notice printed once every six months in the list of newspapers attached to the Second Amended Advertising Plan does not give sufficient notice. The Commission further finds that giving the customer information about the limitations of service after activation is also insufficient and does not alleviate the concerns expressed by the Commission.

The Commission expects that the geographic limitations and local calling area limitations be an integral part of the advertisement of Western Wireless' service and it should be provided to Nebraska consumers through all advertisements regarding the proposed service. The Commission requires Western Wireless to conform its advertising plan accordingly.

Finally, the Commission is displeased by Western Wireless' outright refusal to describe the service as directed to at the February 14, 2002, hearing. The Commission believes it has been clear in the direction given to Western Wireless regarding the information it believes to be key for customers to make an informed decision about Western Wireless proposed service offering.

For these reasons, the Second Amended Advertising Plan filed by Western Wireless should not be approved as filed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Second Amended Advertising Plan filed by Western Wireless on February 26, 2002, should not be approved as filed.

IT IS FURTHER ORDERED that Western Wireless may cure the deficiencies in its advertising plan by filing a plan consistent with the findings herein.

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of June, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

Commissioners Gerald C. Vap and Rod Johnson concurring in part and dissenting in part:

We write separately to state that in our opinion, the Commission should not be taking any action on the advertising plan until the Nebraska Supreme Court has decided this issue of Western Wireless' designation as an ETC. While we do not disagree with the outcome reached by the Commission, this matter and any proceeding which flows from the Commission's decision to

designate Western Wireless as an ETC must be held in abeyance pending review of the higher court as provided in Nebraska law. Neb. Rev. Stat. section 75-134(3) provides that the Commission's order designating Western Wireless as an ETC shall be held in abeyance until a mandate is issued by the Nebraska Supreme Court. Therefore, we would not approve the second amended advertising plan based on our opinion that the Commission should not be taking any action in furtherance of Western Wireless' entry as an ETC into the local market pending this stay.

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Commissioner Rod Johnson

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Commissioner Gerald C. Vap