

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-2528
of Nebraska Technology &)	
Telecommunications, Inc.,)	ORDER GRANTING DESIGNATION
Omaha, seeking designation)	AS AN ELIGIBLE
as an eligible telecommunications)	TELECOMMUNICATIONS CARRIER
carrier that may receive)	
universal service support.)	Entered: October 4, 2001

APPEARANCES:

For the Applicant:
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For the Commission:
Shanicee Knutson
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BY THE COMMISSION:

By application filed May 8, 2001, Nebraska Technology and Telecommunications, Inc. (NT&T) of Omaha, Nebraska seeks designation as an eligible telecommunications carrier (ETC) so that it may receive universal service support. Notice of this application was published in The Daily Record, Omaha, Nebraska, on May 10, 2001. No formal protest or petition of formal intervention was filed. A hearing was held on the application on August 6, 2001, in the Commission Hearing Room, Lincoln, Nebraska with appearances as shown above.

The applicant presented one witness in support of its application, Mr. Dale Musfeldt, president and chief executive officer of NT&T, who testified as follows:

NT&T seeks ETC status for the areas currently served by Qwest Corporation, ALLTEL Communications, Citizens and United Telephone Company of the West (Exhibit No. 5). NT&T is not seeking designation as an ETC in any service area served by a "rural telephone company" as such term is defined by the federal Telecommunications Act of 1996 (the Act).

NT&T has been granted a certificate of public convenience and necessity to provide local exchange and interexchange telecommunications services in the proposed service territory in Application Nos. C-1523 and C-1627 respectively. NT&T provides local telecommunications services as a reseller of the incumbent local exchange carrier's (ILEC's) services as well as through a combination of network elements that it leases from the ILECs and services offered by the ILEC that it resells. NT&T seeks universal service funding for assistance mainly so that it can offer services under an unbundled network element platform (UNEP) umbrella.

NT&T offers voice-grade access to the public switched network,

local usage for both data and voice, dual tone multi-frequency signaling, single party service, access to emergency service, access to operator service, access to interexchange service, access to directory assistance and toll limitation for qualifying low-income consumers. NT&T does not publish its own white page directory, but maintains separate agreements which insure that NT&T customers are listed in the incumbent local exchange carriers' "white page" directory listing. NT&T also presented evidence of the availability of its advertisements in a publication of general circulation (Exhibit Nos. 6 to 8). Finally, NT&T testified that ETC designation in the areas requested would serve the public interest because it would increase competition and spur the offering of new technologies in those particular exchanges.

Mr. Musfeldt testified that he understood a Commission designation of ETC status did not automatically trigger the carrier's ability to withdraw support from the Nebraska Universal Service Fund (NUSF). NT&T will file a separate request for Nebraska Universal Service Fund support subsequent to a grant of ETC status by the Commission.

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

Section 214(e) of the Act sets forth the standards and processes for a state commission to grant carriers the designation of eligible telecommunications carrier. The three general requirements listed in Section 214(e) are that (1) the carrier must be a common carrier; (2) the carrier must offer the "services" that are supported by the federal fund; and (3) the carrier must advertise the availability of those services. In addition, the carrier must fulfill these criteria throughout the service area for which the designation is received.

The "services" supported by the federal fund as provided by 47 C.F.R. § 54.101(a) are as follows:

- a. Voice-grade access to the public switched telephone network;
- b. Local usage;
- c. Dual tone multi-frequency signaling or its functional equivalent;
- d. Single-party service or its functional equivalent;
- e. Access to emergency services;
- f. Access to operator services;
- g. Access to interexchange service;
- h. Access to directory assistance;
- i. Toll limitation for qualifying low-income consumers.

NT&T provided testimony that it fulfills the requirements of 47 C.F.R. § 54.101(a) and confirmed that it provides all of the above-referenced services.

NT&T also provided adequate examples that it has been and will be advertising the availability of the supported services. NT&T confirmed with the Commission that, in the event ETC status is granted, it will advertise its universal service offerings and the charges therefore using media of general distribution pursuant to federal and Commission requirements.

In addition to the requirements provided for in federal law, the Commission has determined that a standard "white page" listing is a basic service. NT&T provided that its customers are listed in the ILECs' white page directories.

Applicant has demonstrated that it meets the standards 47 U.S.C. § 214(e) and applicable federal law for the designation of eligible telecommunications carriers in the proposed geographic area. Applicant has demonstrated that it meets the Commission standards for the designation of eligible telecommunications carrier status in the proposed geographic territory. No party in this proceeding refuted the testimony.

A grant of ETC designation does not automatically trigger the availability of NUSF support. Prior to receiving any NUSF support, Applicant must file a request for such funding with the Commission.

The Commission has jurisdiction and authority to ensure that NT&T continues to meet the ETC criteria set forth in Section 214(e) of the Act, and requirements of the Nebraska Universal Service Fund. Nothing prevents the Commission from, on its own motion, modifying, suspending or revoking NT&T's ETC designation if it does not meet those obligations.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Nebraska Technology & Telecommunications, Inc., to be designated an Eligible Telecommunications Carrier shall be and it is hereby granted.

IT IS FURTHER ORDERED that Nebraska Technology & Telecommunications, Inc. is hereby declared to be an Eligible Telecommunications Carrier in the areas served by Qwest Corporation, ALLTEL Communications, Citizens, and United Telephone Company of the West.

IT IS FURTHER ORDERED that the applicant must file a separate application for Nebraska Universal Service Fund support with the Commission for approval before receiving any distributions.

MADE AND ENTERED at Lincoln, Nebraska this 4th day of October,

2001.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:

Executive Director