

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-3186/
of OrbitCom, Inc. of Sioux)	NUSF-39
Falls, South Dakota seeking)	
designation as a Nebraska)	
Eligible Telecommunications)	ORDER GRANTING NETC
Carrier that may receive)	DESIGNATION
universal service support.)	
)	
)	Entered: September 21, 2004

APPEARANCES:

For the Applicant:

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For the Interveners:

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For the Commission:

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BY THE COMMISSION:

By application filed April 22, 2004, OrbitCom, Inc. (OrbitCom or Applicant) of Sioux Falls, South Dakota seeks designation as a Nebraska Eligible Telecommunications Carrier (NETC) so that it may receive universal service support. Notice of this application was published in The Daily Record, Omaha, Nebraska, on April 27, 2004. On May 26, 2004 the Commission received a Petition for Formal Intervention filed by the Rural

Independent Companies¹ (Intervenors). A public hearing on the application was held on July 27, 2004, in the Commission Hearing Room, Lincoln, Nebraska. Notice of the public hearing was mailed to interested parties. Appearances at the hearing are indicated above.

The Applicant presented Mr. Joe Schuele, Assistant Director of Regulatory Affairs for Martin Group, Inc., who testified as follows:

OrbitCom is presently a competitive local exchange carrier operating primarily on a UNE-P basis. It requests NETC and ETC designation limited only to Qwest service territory. Mr. Schuele testified generally that OrbitCom provides all services and met all standards required by 47 U.S.C. § 214(e) and 47 C.F.R. § 54.101(a) for federal support. Mr. Schuele also testified that OrbitCom offers 1+ equal access for long distance calling and a standard white page listings.

OrbitCom presently advertises through yellow page advertising and the Internet and provided documentation of its advertising. OrbitCom further presented evidence of its costs through the rates and terms from Qwest's SGAT on file in Nebraska which serves as the interconnection agreement between Qwest and OrbitCom. Mr. Schuele further testified that OrbitCom intends to price at NUSF benchmarks for both residential and business customers. OrbitCom will only be submitting requests for payments on lines provided through leased facilities or facilities it owns.

Upon consideration of the testimony and evidence filed in this proceeding, the Commission finds that the application of OrbitCom should be granted, as limited by the stipulation between the Applicant and the Intervenors.

¹ The "Rural Independent Companies" include Arlington Telephone Company, Blair Telephone Company, Clarks Telecommunications Co., Consolidated Telephone Company, Consolidated Telco Inc., Consolidated Telcom, Inc., Eastern Nebraska Telephone Company, Great Plains Communications, Inc., K & M Telephone Company, Inc., Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, and Stanton Telephone Co., Inc.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of OrbitCom, Inc., to be designated a Nebraska Eligible Telecommunications Carrier shall be, and it is hereby, granted for services provided through the use of unbundled network elements only.

IT IS FURTHER ORDERED that should OrbitCom, Inc. seek interim support, it be required to file an application containing a specific request and any cost justification for the calculation of such interim support.

IT IS FURTHER ORDERED that should the requirements for NETC's be altered or modified by the decision reached by the Commission in Application NUSF-26, OrbitCom, Inc. be required to apply for re-certification as an NETC and demonstrate that it meets any additional rules and requirements.

IT IS FINALLY ORDERED that this grant shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

MADE AND ENTERED at Lincoln, Nebraska this 21st day of September, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director