

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-4543/PI-186
Public Service Commission, on) Progression Order No. 4
its own motion, to investigate)
and explore federally mandated)
filing of electronic maps) ORDER
certifying the study area of)
Incumbent Local Exchange)
Carriers in Nebraska.) Entered: March 29, 2013

BY THE HEARING OFFICER:

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

On November 6, 2012, the Wireline Competition Bureau (WCB) of the Federal Communications Commission (FCC) released a Report and Order¹ (Report) mandating incumbent local exchange carriers (ILECs) submit certified study area boundary data in ESRI shapefile format to the FCC.

On December 11, 2012, the Commission opened the above-captioned investigation to assist with determining and implementing the most efficient method of complying with the mandates contained in the Report.

The Commission conducted a workshop regarding the issues in the Report on January 16, 2013. Numerous parties participated in the workshop. The Commission released Progression Order No. 1 on February 20, 2013, seeking comment from interested parties on certain issues. Comments are due to the Commission on or before March 22, 2013.

On February 26, 2013, the WCB issued an Order on Reconsideration (Recon Order) making substantive modifications to the Report.² In Progression Order No. 2 issued by the Hearing Officer on March 1, 2013, commenting parties were urged to adjust their comments due on March 22, 2013, in light of the Recon Order.

On March 18, 2013, the WCB announced procedures and deadlines for submission of study area boundaries (Order).³ In

¹ See *In the Matter of Connect America Fund High-Cost Universal Service Support*, WC Docket Nos. 10-90, 05-337, Report and Order, DA 12-1777 (rel. Nov. 6, 2012)(Report).

² *Id.*, Order on Reconsideration, DA 13-282 (rel. Feb. 26, 2013)(Recon Order).

³ *Id.*, Wireline Competition Bureau Announces Procedures and Deadlines for Submissions of Study Area Boundaries, DA 13-456 (rel. March 18, 2013)(Order).

the Order the WCB established a deadline of April 12, 2013, for any state commission planning to submit study area boundary data to file notice of its intent to do so with the FCC. Further the Order established a **June 28, 2013**, deadline for state commission's to submit and certify study area boundary data to the FCC.

On March 20, 2013, I entered an order requiring any ILEC in Nebraska desiring the Commission to submit study area boundary data on its behalf to notify the Commission in writing by **April 5, 2013**.

The Commission has carefully reviewed all the comments filed by interested parties in the above-captioned docket and in light of those comments and the limited time allowed in the Order for compiling, filing, and certifying the study area boundary data to the FCC, I find the following:

- 1) All ILECs shall participate in the transition of the official boundary maps of the state of Nebraska to electronic format. The Commission will only submit and certify the study area boundary data to the FCC for the ILECs that so elect for it to do so by April 5, 2013.
- 2) As soon as written notification of an ILEC's election is received, the Commission Staff will contact the ILEC and immediately begin a collaborative effort to compile an electronic map for submission to the FCC. No commenting party objected to any of the optional pathways outlined in Progression Order No. 1 for collaboration between ILECs and Staff in the above-captioned proceeding. Therefore, Staff will collaborate with ILECs using any of the three pathways that best suits the needs of each ILEC.
- 3) Any disagreements or discrepancies that arise during the creation of the boundary maps shall be worked out informally between the ILECs and Staff. In the event agreement on the boundary cannot be reached by such informal means, any ILEC(s) involved may file a petition for Commission determination of the disputed boundary. The Commission's current policies and procedures will be utilized for such proceeding, and will be expedited due to the deadlines established for submission of the boundary data in the Order.

- 4) I hereby set a deadline for a final boundary map for each ILEC to be at the Commission for filing with the FCC by **June 19, 2013**, to allow for any final adjustments, formatting, or other work to be completed before submission to the FCC on June 28, 2013.
- 5) Finally, the Commission will continue to pursue and seek resolution of the study area waiver process issue with the FCC. We appreciate and share the concerns expressed by commenting parties.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the findings as contained above in this order, be and are hereby adopted.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of March, 2013.

By: _____
Frank E. Landis
Hearing Officer


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