

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-4522
Application of Alltel)	
Communications of Nebraska,)	
Inc. d/b/a Verizon Wireless,)	
Minneapolis, Minnesota,)	GRANTED
seeking authority to)	
relinquish its eligible)	
telecommunications carrier)	
designation.)	Entered: November 19, 2012

BY THE COMMISSION:

By Application filed September 21, 2012, Alltel Communications of Nebraska, Inc. d/b/a Verizon Wireless ("Verizon" or "Company") of Minneapolis, Minnesota, seeks permission to relinquish its Eligible Telecommunications Carrier ("ETC") designation pursuant to Section 214(e)(4) of the Telecommunications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214(e)(4), and Section 54.205 of the Federal Communication Commission's ("FCC") rules, 47 C.F.R. § 54.205. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on October 4, 2012. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

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

Verizon is licensed by the FCC to provide commercial mobile radio service ("CMRS") in Nebraska. Verizon has been designated as an ETC in this state since March 7, 2006, pursuant to the Commission's order in Docket C-3497,¹ and was granted an expansion to its designated ETC service area on February 27, 2007, pursuant to the Commission's order in Docket C-3739.² Consistent with 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, Verizon has requested permission to relinquish its ETC designation.

¹ *In the Matter of the Application of Alltel Communications of Nebraska, Inc., for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934.* Docket C-3497, Granted, March 7, 2006.

² *In the Matter of the Application of Alltel Communications of Nebraska, Inc., Little Rock, Arkansas, seeking expansion of Eligible Telecommunications Carrier Designation pursuant to Section 214(e)(2) of the Communications Act of 1934.* Docket C-3739, Granted, February 27, 2007.

Verizon wishes to relinquish its ETC designation because its universal service funding will be eliminated at the end of this year, under the terms of the FCC's *Alltel Acquisition Order*.³ The FCC confirmed the elimination of Verizon's ETC support in the *USF-ICC Transformation Order*⁴ and in a subsequent Wireline Competition Bureau decision.⁵ Verizon states that the relinquishment of ETC status will have no impact on the company's network coverage in Nebraska and no impact on Verizon's roll-out of 4G LTE broadband and voice services.

Verizon further states that said relinquishment will not affect the amount of federal high-cost universal service support available to other ETCs, nor Verizon's continued operation in the state. Pursuant to the FCC's recently amended universal service rules and associated orders, the federal high-cost universal service support available to Verizon will be phased out effective December 31, 2012.⁶ Verizon also states that the FCC has capped the amount of federal high-cost universal service support available to all competitive ETCs in the state and clarified that the relinquishment of an ETC designation by one carrier will not affect the amount of federal high-cost universal service support received by other ETCs.⁷

According to 47 U.S.C. § 214(e)(4), a State commission "shall permit an eligible telecommunications carrier to

³ *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC For Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements and Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act*, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444, ¶¶ 192-95 (2008) ("*Alltel Acquisition Order*")

⁴ *Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) ("*USF-ICC Transformation Order*"). Certain non-controlled partnerships and after-acquired properties will continue to receive universal service support, subject to the larger phase-out of legacy competitive ETC support.

⁵ *Id.* ¶ 520; *Connect America Fund, et al.*, Order, 27 FCC Rcd 2142, ¶¶ 6-8 (WCB 2012).

⁶ *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011), *pets. for review pending*, *Direct Commc'ns Cedar Valley, LLC v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011); *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Order, DA 12-147 (WCB Feb. 3, 2012); *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Order DA 12-298 (WCB Feb. 27, 2012).

⁷ *Id.*

relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier." This section further requires that the relinquishing ETC "shall give advance notice to the state commission . . . of such relinquishment." Prior to permitting the ETC to cease providing universal service, the Commission "shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier." Verizon states that it satisfies all of these requirements.

Verizon seeks to relinquish its ETC designation throughout its entire designated area, which is an area smaller than Verizon's FCC-licensed service area in the state. Following relinquishment of its ETC designation in the designated area, Verizon will continue to offer and provide wireless service in the designated area. Verizon's services and coverage will not be affected in Nebraska and its roll-out of 4G LTE voice and broadband services will continue. No Verizon customer will lose service as a result of relinquishment and Verizon will continue to aggressively update its network.

Following relinquishment of Verizon's ETC designation, each of the ILEC wire centers identified in Exhibit A to the Application will also continue to be served by at least one ETC. Further, none of the remaining ETCs will be required to purchase or construct additional facilities to continue providing service within the wire centers and/or study areas comprising the designated area.

A small number of Verizon's customers who are Lifeline subscribers in the designated area may be affected by this relinquishment. These customers have several alternative Lifeline providers from which to choose. Verizon will also take several steps to mitigate the impact on Lifeline customers. First, Verizon will grandfather the existing Lifeline discount as an equivalent, carrier-provided discount for one year (through December 31, 2013) if the customer chooses to continue as a Verizon subscriber. This will allow Lifeline customers ample time to decide whether to remain with Verizon or to switch to another Lifeline service provider. If an existing Lifeline customer chooses to switch providers, Verizon will waive early termination fees for canceling service.

Lifeline customers will also receive written notice by U.S. Mail from Verizon at least forty-five (45) days prior to the effective date of its relinquishment. Such written notice shall advise each of Verizon's then-current Lifeline customers that Verizon will no longer provide Lifeline assistance as an ETC effective December 31, 2012. The notice will also make clear that Verizon will continue to provide its existing Lifeline customers with an equivalent carrier-provided discount through December 31, 2013, if the customer chooses to continue as a Verizon subscriber on the same service plan. Additionally, after issuance of the notices to current customers, Verizon will not enroll any new Lifeline customers.

Based on the foregoing, the Commission finds that Verizon satisfies the requirements of 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 and that its application for relinquishment of ETC designation should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4522 should be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 19th day of November, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

Lifeline customers will also receive written notice by U.S. Mail from Verizon at least forty-five (45) days prior to the effective date of its relinquishment. Such written notice shall advise each of Verizon's then-current Lifeline customers that Verizon will no longer provide Lifeline assistance as an ETC effective December 31, 2012. The notice will also make clear that Verizon will continue to provide its existing Lifeline customers with an equivalent carrier-provided discount through December 31, 2013, if the customer chooses to continue as a Verizon subscriber on the same service plan. Additionally, after issuance of the notices to current customers, Verizon will not enroll any new Lifeline customers.

Based on the foregoing, the Commission finds that Verizon satisfies the requirements of 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 and that its application for relinquishment of ETC designation should be approved.

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Tim Schram
Gerald Hap

//s//Rod Johnson
//s//Frank Landis

Chairman

Rod Johnson

ATTEST:

Frank Landis

Executive Director