

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-4807/
Public Service Commission, on) PI-202
its Own Motion, to investigate)
ways to accelerate the) ORDER OPENING DOCKET AND
deployment of broadband) SETTING WORKSHOP
consistent with Section 706 of)
the Telecommunications Act of)
1996.) Entered: December 15, 2015

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission) opens this docket, on its own motion, to investigate ways to accelerate the deployment of broadband consistent with Section 706 of the Telecommunications Act of 1996 (96 Act). Although this Commission has taken a number of steps to actively monitor, encourage and financially support the deployment of broadband since the enactment of the 96 Act, this proceeding is designed to improve government policies for access to rights of way so that federal funding specifically earmarked for the efficient deployment of broadband in Nebraska by those carriers receiving support.

Congress has directed state commissions to "encourage the deployment [of broadband] on a reasonable and timely basis."¹ Accordingly, in this investigation we propose to work together with stakeholders including state and local governments, consumer advocates, and private entities to develop ways to remove obstacles and create best practices to promote efficiencies required for an aggressive broadband deployment plan.

In 2010, the Federal Communications Commission (FCC) released a National Broadband Plan (Plan) which concluded that rates, terms and conditions for access to rights of way significantly impact broadband deployment.² The Plan made a

¹ 47 U.S.C. § 1302(a). Formally at Pub. L. No 104-104, § 706, 110 Stat. 56, 153 (1996), as amended in relevant part by the Broadband Data Improvement Act, Pub. L. No. 110-385, 122 Stat. 4096 (2008).

² See Fed. Commun. Comm., *Connecting America: The National Broadband Plan*, Chapter 6 (March 17, 2010) available at <https://transition.fcc.gov/national-broadband-plan/national-broadband-plan.pdf>.

number of recommendations for improving and streamlining access to rights of way.³ Some of these recommendations were made relative to coordination with state and local governments for consideration in the development of policies approving access for the deployment of new or replacement infrastructure.

On September 15, 2015, the FCC authorized ten telecommunications companies to receive \$9 billion in support over the next six years for rural broadband deployment from the Connect America Fund (CAF). In Nebraska, three telecommunications carriers CenturyLink, Windstream and Frontier have accepted \$23 million in annual support over the next six years for rural broadband deployment to roughly 35,000 households. Some of the key challenges that will be faced by providers will be managing access to rights of way to meet the FCC's broadband deployment schedule.

The Commission hopes to facilitate a discussion amongst stakeholders about current challenges and potential solutions. We will also develop a record so that we can monitor the progress being made by the carriers in meeting the FCC's deployment obligations.

To that end, the Commission hereby schedules a public workshop to be held on January 27, 2016 at 10:00 a.m. in the Commission Hearing Room, at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska. Interested parties may also file written comments on or before January 20, 2016 in addition to or in lieu of appearing at the workshop. Comments should be electronically served on the Commission at gene.hand@nebraska.gov and deena.ackerman@nebraska.gov.

Some of the issues to be addressed at the workshop include but are not limited to the following:

1. The challenges that carriers face when deploying new broadband infrastructure.
2. The approval processes and the extent to which the processes vary from one jurisdiction to another.

³ See *id.*, at page 113.

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3. The fees for obtaining access and how they compare to other market-based rates.
4. The challenges negotiating rights of way access with entities such as railroads, utilities, and other private entities.
5. The extent to which the Commission or public stakeholders can play a role to encourage the rapid deployment of broadband in areas where federal CAF support is being provided.

We also invite interested parties to highlight other issues or suggest proposals which may be germane to this proceeding.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be and it is hereby open for public comment.

IT IS FURTHER ORDERED that a public workshop be held on January 27, 2016, at 10:00 a.m. in the Commission Hearing Room, at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska.

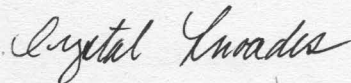
ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 15th day of December, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

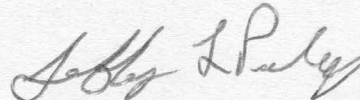
COMMISSIONERS CONCURRING:



Chairman



ATTEST:



Executive Director

//s//Frank E. Landis

//s//Gerald L. Vap