

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) Application No. C-4868  
Application of Comcast Phone )  
of Nebraska, LLC, )  
Philadelphia, Pennsylvania, )  
seeking authority to operate ) GRANTED  
as a competitive local )  
exchange carrier within the )  
State of Nebraska. ) Entered: November 8, 2016

BY THE COMMISSION:

On August 29, 2016, an application was filed by Comcast Phone of Nebraska, LLC ("Comcast Phone" or "Applicant") of Philadelphia, Pennsylvania, seeking authority to operate as a local exchange carrier of telecommunications services in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on September 1, 2016. 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

Applicant is a wholly owned subsidiary (indirect) of Comcast Corporation, organized under the laws of the State of Delaware, authorized to do business in the State of Nebraska. Applicant states no officer, director or shareholder has been involved in a formal complaint or other investigatory or enforcement proceeding within the last two years.

Comcast Phone does not currently transact business in other states. However, its affiliates offer a variety of telecommunications, cable television, and Internet access services throughout the country. Applicant's telecommunications carrier affiliates are certificated to provide telecommunications services (either local exchange, interexchange, or both) in all lower 48 states and the District of Columbia. Comcast Phone is authorized to operate as an interexchange carrier in Nebraska pursuant to the authority granted in Application No. C-4216 (November 24, 2009).

Applicant intends to provide local exchange service (telephone exchange service and exchange access) on a wholesale basis to interconnected VoIP service provider customers and to interexchange carriers. Applicant does not intend to serve end-user customers directly.

Applicant states it possesses the necessary technical expertise and management team to serve Nebraska customers. In Exhibit 4 to the application, Applicant provided details of the senior management's experience in the provision of

telecommunications and other communications services to the public.

Applicant further states it possesses the necessary financial ability to provide the proposed service in Nebraska. Applicant's parent company, Comcast Corporation, will provide financial support to the Applicant. Comcast Corporation's 10-K filing with the SEC was available in support of this.

In addition, Applicant states its competitive telecommunications services will facilitate the provisioning of an array of new, innovative, and lower-priced services to the public. According to Comcast Phone the telecommunications offerings will serve the public interest by expanding choice and competition.

The Commission considers this application for authority in light of the following criteria and standards established in the Commission's telecommunications rules:

- (a) Whether the Applicant has provided the information required by the Commission;
- (b) Whether the Applicant has provided a performance bond, if required;
- (c) Whether the Applicant possesses adequate financial resources to provide the proposed service;
- (d) Whether the Applicant possesses adequate technical competence and resources to provide the proposed service;
- (e) Whether the Applicant possesses adequate managerial competence to provide the proposed service; and
- (f) Whether granting the Applicant a certificate preserves and advances universal service, protects the public safety and welfare, ensures the continued quality of telecommunications services and safeguards the rights of consumers, pursuant to Section 253(b) of the Act.

Applicant has demonstrated that it meets the standards of financial, technical, and managerial competence and all other criteria necessary to provide local exchange services in the State of Nebraska.

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These opinions and findings carry no precedential value other than establishing minimum standards and criteria to apply when considering applications to provide local exchange services. All telecommunications carriers seeking such a certificate must demonstrate that they meet, at a minimum, the standards and criteria set forth herein.

Before the Applicant is allowed to provide local exchange service to its users, it must either:

1. Through negotiation or arbitration, reach an interconnection/resale agreement with the pertinent incumbent local exchange carrier and receive Commission approval of the interconnection/resale agreement; or
2. In the event a certified local exchange carrier provides a wholesale tariff, purchase rates from that tariff, file its own tariff and receive Commission approval of its tariff.

This order does not terminate, waive or in any manner diminish the exemptions and protections created by the Act for rural carriers, as defined by the Act. This order does not address the issue of the rural local exchange carrier exemption under the Act. Rural exemptions may be terminated, suspended or modified only as provided in Section 251(f) of the Act.

Prior to providing service in any area in the State of Nebraska, Applicant must file tariffs in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs. Title 291, Ch. 5.

Upon the offering of local exchange services in the state of Nebraska, Applicant would be subject to the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange company except those obligations imposed on ILECs pursuant to Section 251(c) of the Act.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4868 be, and hereby is, granted.

IT IS FURTHER ORDERED that Applicant is obligated to abide by the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service),

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applicable to any other local exchange carriers, except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

IT IS FURTHER ORDERED that, to the extent Applicant provides access line service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-301 through 86-315 (Relay Act) and defined in Neb. Admin. R. & Reg. Title 291, Ch. 5 § 001.01B, the Applicant shall collect from its subscribers a surcharge (Relay Surcharge) pursuant to the relay act and the Commission's annual orders establishing the amount of the surcharge, and shall remit to the Commission the proceeds from the relay surcharge as provided by the Relay Act.

IT IS FURTHER ORDERED that the Applicant comply with all necessary statutes and Commission Rules and Regulations as they pertain to the Nebraska Universal Service Fund.

IT IS FURTHER ORDERED that Applicant shall file, in accordance with the applicable statutes, on or before April 30 of each year, an annual report with the Commission consisting of: (a) a copy of any report filed with the Federal Communications Commission; (b) a copy of any annual report to stockholders; and (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission. If such reports are unavailable, Applicant shall file a balance sheet and income statement for the previous year of operation, and for the State of Nebraska on a combined interstate-intrastate basis, the investment in the telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses and taxes.

IT IS FURTHER ORDERED that within 30 days from the entry of this order that the Applicant file a tariff and pay appropriate filing fees with the Commission as required by state statutes and the Commission's regulations.

IT IS FINALLY ORDERED that this order be, and hereby is, made the Commission's official Certificate of Public Convenience and Necessity to the Applicant to provide local exchange telecommunications services in the State of Nebraska.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 8th day  
of November, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald F. Vap*

*Crystal Swader*

*Red Wilson*

*Tim Schram*

Chairman

ATTEST:

*LeRoy L. Puley*

Executive Director

//s//Frank E. Landis

//s//Tim Schram

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