

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,        )       Application No. NUSF-1  
on its own motion, seeking                )  
to establish guidelines for                )       PROGRESSION ORDER NO. 13  
administration of the Nebraska            )  
Universal Service Fund.                    )       Entered: May 16, 2000

BY THE COMMISSION:

1. On October 26, 1999, ATS Mobile Telephone, Inc. (hereinafter "ATS") filed a Petition for a Declaratory Ruling. In said Petition, ATS requested a hearing and an order declaring that ATS is not subject to bill and collect the Nebraska Universal Service Fund (hereinafter, "NUSF") surcharge. Accordingly, a public hearing was held on December 14, 1999. On March 21, 2000, the Commission entered Progression Order No. 6 in this docket denying the ATS request. Subsequently, on March 31, 2000, ATS filed a Motion for Rehearing and Request for Oral Argument of the Commission's decision.

2. By letter addressed to the Director of the Universal Service Fund Department, dated May 8, 2000, ATS submitted a proposed methodology for calculating the intrastate portion of business revenues. In its letter, ATS requested that if the proposed methodology was acceptable to the Commission that its Motion for Rehearing be withdrawn.

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

3. Accordingly, the Commission finds that the methodology set forth in the ATS letter of May 8, 2000, sufficiently reflects ATS's intrastate portion of business and that the oral argument set for May 16, 2000, is no longer necessary and should therefore be canceled. The ATS Motion for Rehearing and Request for Oral Argument on the Commission decision should be dismissed.

O R D E R

IT IS THEREFORE ORDERED that the Motion for Rehearing and Request for Oral Argument on the Commission decision submitted by ATS be dismissed.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the oral argument set for May 16, 2000, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, shall be, and is hereby, canceled.

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MADE AND ENTERED at Lincoln, Nebraska, this 16<sup>th</sup> day of May,  
2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lawrence J. Hansen*

*Anne C. Boyle*

*Lee Johnson*

//s//Frank E. Landis

*Frank Landis*  
Chairman

ATTEST:

*Robert R. Logsdon*  
Executive Director