

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. NUSF-112/
Petition of CTIA-The)	PI-217
Wireless Association for)	
investigation regarding the)	
definitions of certain terms)	ORDER APPROVING STIPULATION
adopted by the Nebraska)	
Public Service Commission in)	
NUSF-100.)	
)	Entered: July 24, 2018

BY THE COMMISSION:

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

On May 16, 2018, CTIA - the Wireless Association filed a Petition for Investigation ("Petition") seeking an investigation regarding definitions of certain terms adopted by the Nebraska Public Service Commission ("Commission") in NUSF-100. Notice of this proceeding appeared in The Daily Record, Omaha, Nebraska on May 24, 2018.

Petitions seeking Formal Intervention in this proceeding were filed by the Nebraska Rural Independent Companies ("RIC"), Cox Nebraska Telcom, LLC ("Cox"), Rural Telecommunications Coalition of Nebraska ("RTCN"), and Charter Fiberlink - Nebraska, LLC, and Time Warner Cable Information Services (Nebraska), LLC (collectively, "Charter"). These Petitions were subsequently granted. On July 16, 2018, Charter filed a request to withdraw its Formal Intervention. That request was granted on July 19, 2018.

The Hearing Officer held a planning conference on July 19, 2018 in the Niobrara Conference Room, 300 The Atrium Building, 1200 'N' Street, Lincoln, NE 68508. Pursuant to Neb. Admin. R. Regs., title 291, ch. 1, § 020, parties were asked to have present a representative authorized to (1) consent to the identification and clarification of the issues, (2) the procedure of the hearing, and (3) to identify witnesses in order to permit simplification of the evidence and disposition of the proceeding.

Mr. Loel Brooks appeared for the Petitioner, CTIA-The Wireless Association. Mr. Troy Kirk representing the Rural Telecommunications Coalition of Nebraska (RTCN), Mr. Paul

Schudel, representing the Rural Independent Companies (RIC), and Deonne Bruning representing Cox Nebraska Telcom, LLC (Cox) appeared for the Formal Intervenors. At the planning conference counsel for the Petitioner and Intervening carriers discussed a possible stipulation.

On July 20, 2018, a Stipulation was jointly filed by all parties in this proceeding for the purpose of resolving the Petition. The stipulating parties jointly request the Commission approve the "Consensus Definitions" set forth in Attachment A to the Petition in lieu of and to replace the definitions of "connection" and "assessable service" set forth in the Commission's Order entered on October 31, 2017 in Application No. NUSF-100/PI-193 (the "NUSF-100 Order"). Specifically, and as set forth in Attachment A to the Petition, CTIA proposed the following "Consensus Definitions":

Subject to the provisions of Neb Rev. Stat. §86-324 (2), as an essential element of a Commission established connections-based contribution mechanism (as defined below), the following terms shall have the meanings as hereinafter provided:

- (i) "Connections-Based Contribution Mechanism" shall mean a fixed or flat rate surcharge assessed on a per-connection basis;
- (ii) "Connection" shall mean any form of technology used to provide an end-user with access to an assessable service;
- (iii) "Assessable Service" shall mean any service subject to a contribution obligation to the Nebraska Telecommunications Universal Service Fund.

In addition to approving the Consensus Definitions, the stipulating parties request the Commission take administrative notice of the evidentiary record established in NUSF-100, and enter an order pursuant to its Rule of Modified Procedure as set forth in Rule 018.03 by virtue of the stipulation in lieu of affidavits.

Upon review of the Stipulation filed by all parties of record, and being fully advised in the premises, the Commission is of the opinion and finds that it should be approved. Per the request of the stipulating parties, the Commission takes

administrative notice of its evidentiary record established in NUSF-100. The Consensus Definitions identified in Attachment A to the Petition and as set forth above are hereby adopted and replace the definitions of "connection" and "assessable service" which were adopted in the Commission's NUSF-100 Order entered on October 31, 2017. The Consensus Definitions are effective upon entry of this Order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Stipulation filed in this matter be and it is hereby approved.

IT IS FURTHER ORDERED that the Consensus Definitions set forth above be, and they are hereby adopted.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 24th day of July, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal Unadus

Mary Ridder
Chair

Frank E. Landis

ATTEST:

Tim Schram

Theresa A. [Signature]

//s//Frank E. Landis

Executive Director

//s//Mary Ridder