

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-113/
Public Service Commission, on) PI-220
its own motion, to determine)
contribution requirements) ORDER OPENING DOCKET AND
relative to prepaid wireless) SEEKING COMMENT
providers.)
)
)
) Entered: August 28, 2018

BY THE COMMISSION:

The Nebraska Public Service Commission (Commission) initiates this proceeding to investigate and implement any needed requirements relative to prepaid wireless providers as a result of LB 157 and the findings made by the Commission in its contribution reform dockets.

On April 4, 2018, the Governor signed LB 157, which established a point-of-sale mechanism for the collection and remittances of NUSF assessments for prepaid wireless service. Specifically, Neb. Rev. Stat. § 86-328 now provides,

(3) For purposes of service by a prepaid wireless telecommunications service provider, universal service fund contribution and surcharge obligations shall be governed by the Prepaid Wireless Surcharge Act, except that a prepaid wireless telecommunications service provider shall continue to be subject to the audit requirements in subdivision (2)(d) of section 86-324.

Pursuant to the Prepaid Wireless Surcharge Act, the Department of Revenue is required to determine the NUSF prepaid wireless surcharge annually based on Neb. Rev. Stat. §86-903(2) which was amended to read as follows:

(2)(c) The percentage obtained by multiplying (i) the Nebraska Telecommunications Universal Service Fund surcharge percentage rate set by the Public Service Commission by (ii) one minus the Federal Communications Commission safe harbor percentage for determining the interstate portion of a fixed monthly wireless charge.

During the legislative session AM 1906 was offered as an amendment to LB 157. That amendment included specific language referencing the calculation of the surcharge in the

event the Commission established a connections-based contribution mechanism. Subsequently, AM 1906 was withdrawn and that specific reference to a connections-based mechanism language was not included in LB 157. However, we seek comment on whether this language should be further considered by the Commission relative to the implementation of LB 157.

Moreover, on August 7, 2018, the Commission entered an order in NUSF-111/PI-211 establishing a revised contribution framework. A connections-based contribution mechanism was established for residential services. The Commission decided to keep business service contributions on a revenues basis for the present time. The Commission signaled in its August 7, 2018 Order that it planned to open a proceeding to determine whether prepaid wireless services could be assessed on a connections basis rather than a revenue basis under the point-of-sale provision.

Accordingly, the Commission enters this Order to seek comment on this issue, and to determine if there are other issues it may need to resolve for the implementation of LB 157.

Comment Period

The Commission requests that interested parties provide comments responsive to the issue described above on or before **October 1, 2018**. Commenters should file one (1) paper copy and one (1) electronic copy of their Comments with the Commission. Electronic copies should be sent to Cullen.Robbins@nebraska.gov and Brandy.Zierott@nebraska.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be opened.

IT IS FURTHER ORDERED that comments responsive to the foregoing issue may be filed on or before **October 1, 2018** in the manner prescribed herein.

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ENTERED AND MADE EFFECITVE at Lincoln, Nebraska this
28th day of August, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Mary Ridder

Crystal Knodes

Chair

Pat [unclear]

ATTEST:

Jim [unclear]

Michelle [unclear]

Executive Director

//s//Frank E. Landis

//s//Mary Ridder