

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) APPLICATION NO. NUSF-25  
Public Service Commission, on )  
its own motion, seeking to )  
establish guidelines for the ) Progression Order # 11  
purpose of certifying the use of )  
federal universal service )  
support. ) Entered: March 16, 2004

BY THE COMMISSION:

1. The Commission has established self-certification as its process for verifying whether all federal high-cost support will be used for its intended purpose, pursuant to 47 C.F.R § 54.313 and CC Docket No. 96-45. See Application No. NUSF-25, Progression Order #1 (August 21, 2001).

2. On February 26, 2004, Qwest Corporation (Qwest) caused to be filed an affidavit of John Richardson, Senior Vice President and Controller for Qwest. Mr. Richardson's affidavit, dated February 25, 2004, certifies that Qwest will use any funds received from the Federal Universal Service High Cost Support Fund for purposes consistent with Section 254(e) of the Telecommunications Act of 1996 (the Act) as amended.

3. On March 11, 2004, ALLTEL Nebraska Inc. (ALLTEL) caused to be filed an affidavit of Steve R. Mowery, Vice President of State Government Affairs for ALLTEL. Mr. Mowery's affidavit dated March 10, 2004, certifies that ALLTEL will use any funds received from the Federal Universal Service High Cost Support Fund for purposes consistent with Section 254(e) of the Act as amended.

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

4. The Commission finds that Qwest and ALLTEL filed properly completed affidavits.

5. Accordingly, the Commission will provide certification to the Administrator of the federal high-cost universal service support mechanisms and the Federal Communications Commission that Qwest and ALLTEL will use federal high-cost support only for the provision, maintenance, and upgrading of facilities and/or service for which the support is intended in accordance with section 254(e) of the Act, as amended.

6. The Commission is aware that both Qwest and ALLTEL will be seeking waivers from the Federal Communications Commission of the state certification requirements in order to receive federal high-cost universal service support for the first quarter of calendar year 2004. According to rule 54.313(d)(3)(i) in order for a carrier to receive first, second, third and fourth quarter high-cost support for the succeeding year, the Commission must file its certification to the FCC by October 1st. The FCC's Order and Order on Reconsideration<sup>1</sup> was issued subsequent to the October 1, 2003 deadline. As of October 1, 2003, Qwest and ALLTEL were not eligible to receive high-cost support and accordingly did not file the required affidavit with the Commission at that time. The Commission believes that the granting of such waivers would be in the public interest and are necessary to ensure that Qwest and ALLTEL receive the high-cost support needed to maintain affordable and comparable telecommunications services in high-cost areas. The Commission therefore supports their waiver requests.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the affidavits filed by the above-named carriers are accepted.

MADE AND ENTERED at Lincoln, Nebraska this 16th day of March 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

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<sup>1</sup> See *Federal-State Joint Board on Universal Service*, CC Docket 96-45, Order and Order on Reconsideration, DA 03-4070 (rel. December 24, 2003).