

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 #14
purpose of certifying the use)
of federal universal service)
support.) Entered: November 1, 2005

BY THE COMMISSION:

On July 24, 2001, the Nebraska Public Service Commission (Commission) opened this docket to seek comment on how it should verify that all federal high-cost support will be used for its intended purpose in compliance with 47 C.F.R. § 54.314.¹ In response to comments received the Commission determined that a self-certification process was sufficient to meet the requirements of section 54.314.² The Commission established an affidavit process for incumbent local exchange carriers (ILECs) and other ETCs to certify that they are using federal high-cost support for the purpose for which it was intended pursuant to 47 U.S.C. § 254. Currently, all carriers must file their affidavits by September 14th of each year so that the Commission can meet the FCC's October 1st state certification deadline.

On March 17, 2005, the FCC released a Report and Order adding ETC eligibility criteria and certification rules. The Commission decided it would mirror the FCC's rules and established some interim guidelines in Docket C-3415. The Commission also opened a rulemaking to codify its eligibility criteria and certification rules.³

The Commission finds it appropriate to investigate whether to require additional information from ETCs in order to certify that ETCs are using high-cost support for its intended purpose. In addition to the affidavits, the Commission proposes that carriers be required to report to the Commission how it used the high-cost support for the preceding calendar year. The Commission seeks comments on this proposal as a general matter. The Commission seeks comments on whether to require this on a county, exchange or latitude/longitude basis. The Commission also seeks comment on a proposal to

¹ The Federal Communications Commission (FCC) requires states to certify that eligible telecommunications carriers (ETCs) in each state are using the federal high-cost support in a manner which comports with federal law.

² See Progression Order #1 (August 21, 2001).

³ See generally Rule and Regulation No. 165.

require information on the carriers' proposed use of the high-cost support for the following calendar year. Interested persons should file comments on what other information the Commission should require. Finally, should the Commission decide to require certain additional information to be reported by ETCs, the Commission seeks comment on the appropriate deadline for filing this information so that the Commission can properly certify to the FCC by October 1st each year that the ETCs are using their high-cost support for the purpose in which it was intended.

Comments on this inquiry should be filed on or before December 6, 2005. Interested persons filing comments should file five (5) paper copies along with one (1) copy in electronic format.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned investigation be and it is hereby opened for comment.

IT IS FURTHER ORDERED that comments be filed by interested persons on or before December 6, 2005 in the manner prescribed herein.

MADE AND ENTERED at Lincoln, Nebraska this 1st day of November, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director