

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) APPLICATION NO. NUSF-25
Public Service Commission, on) Progression Order No. 19
its own motion, seeking to)
establish guidelines for the) ORDER CONTINUING HEARING
purpose of certifying the use)
of federal universal service)
support.)

In the Matter of the Nebraska) APPLICATION NO. NUSF-66
Public Service Commission, on)
its own motion, seeking to)
establish guidelines for the)
purpose of certifying the use)
of state universal service)
support.) Entered: August 7, 2007

BY THE COMMISSION:

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

On May 15, 2007, the Nebraska Public Service Commission (Commission) adopted new filing guidelines for eligible telecommunications carriers (ETCs) in order for the Commission certify the eligibility of receipt for and the use of high-cost federal universal service support to the Federal Communications Commission (FCC), and for Nebraska eligible telecommunications carriers (NETCs) to certify the eligibility of receipt for and the use of high-cost state universal service program support. All ETCs and NETCs were required to file the information specified by the Commission's May 15, 2007 Order on or before June 15, 2007.

Filings with the Commission were to include the following:

- 1) One year of historical investment data, including any expenses, for the provision, maintenance, and upgrading of any facilities or services by exchange/wire center or by county. For June 1, 2007 filings, this information should be for calendar year 2006. If one year does not adequately encompass the applicable investment cycle, more than one year of historical information may be included.
- 2) For each historical year filed, the filing must separately describe both the Federal universal service

funding and the Nebraska universal service funding received.

3) A one-year investment schedule, including any expenses, for provision, maintenance, and upgrading of facilities or services for the prospective year by exchange/wire center or by county. For June 1, 2007 filings, this information should be for calendar year 2008.

In accordance with the Order entered on May 15, 2007 adopting this policy, the Commission found that if the NTIPS Department had any concerns regarding an ETC's/NETC's filing, it should give notice to the ETC/NETC on or before July 15, 2007 and that a hearing will be held on August 14, 2007 for all companies receiving notice. The NTIPS Department notified certain companies with filing defects and other questions but is awaiting responsive filings from these companies. However, as of the date of this Order the NTIPS Department has not found any issue requiring the necessity of a hearing. At this time, the Commission finds it appropriate to continue the hearing previously set for August 14, 2007.

The NTIPS Department will continue its review of the ETC/NETC filings and should the NTIPS Department have a concern with the use of the ETC's or NETC's use of federal or state support it will notify the carrier and give it thirty (30) days notice and setting the issue for hearing on or about the 30th day after notice is given by the NTIPS Department.

In the event that the NTIPS department cannot conclude its review of the ETC/NETC filings, the Commission will certify all ETCs/NETCs which have fully and accurately completed their filing obligations specified above as eligible for support with the Universal Service Administrative Company (USAC). The Commission's certification order will be released in September. During the course of the Department's review post-certification, if, after the notice and hearing described above, it is determined by the Commission that support is not being used for its intended purpose, the Commission will notify USAC and the FCC that the ETC should be de-certified or that it is no longer considered eligible for support. In addition, should the Commission find that an NETC's state high-cost support is not being used for its intended purpose, the Commission may, after the notice and hearing described above, withhold state high-cost support previously authorized for an NETC.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the hearing previously scheduled for August 14, 2007 be and it is hereby continued to a date later to be determined as set forth above.

IT IS FURTHER ORDERED that the NTIPS Department continue to review the information submitted to the Commission in this docket and notify the eligible telecommunications carrier(s) and Commission of any concerns requiring a Commission hearing.

MADE AND ENTERED at Lincoln, Nebraska this 7th day of August, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director