

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-25
Public Service Commission, on)
its own motion, to establish)
guidelines for the purpose) PROGRESSION ORDER No. 5
of certifying the use of)
federal universal service)
support.) Entered: August 20, 2002

BY THE COMMISSION:

Federal Communications Commission (FCC) rules and regulations require that states that desire rural incumbent local exchange carriers (ILECs) and/or eligible telecommunications carriers (ETCs) within their jurisdiction to receive high-cost support file an annual certification with the Administrator of the Universal Service Administrative Company (USAC) and with the FCC. See, 47 C.F.R. § 54.317 (June 5, 2001).

In Progression Order No. 1 in this docket, the Commission established self-certification as the Commission=s process for verifying whether all federal high-cost support will be used only for the provision, maintenance, and upgrading of facilities and/or service for which the support is intended in accordance with § 254(e) of the Telecommunications Act of 1996, as amended, pursuant to 47 C.F.R § 54.314.

Section 54.314 further requires annual verification of whether all federal high-cost support will be used for its intended purposes.

F I N D I N G S A N D C O N C L U S I O N S

The Commission finds that on or before September 6, 2002, each rural ILEC and/or ETC desiring to receive support for all four quarters of 2003 should file a notarized copy of an affidavit certifying whether federal high-cost support is being used consistent with section 254(e).

The Commission further finds that for each year hereafter, each rural ILEC and/or ETC should file an affidavit as described above on or before September 1st of each year, beginning in the year 2003.

As set forth in Progression Order No. 4 in this docket, FCC rules and regulations establish a schedule of deadlines for state Commissions to file certifications. See 47 C.F.R. § 54.314(d). Carriers for which certifications are filed on or before October 1 will receive support for all four quarters of the succeeding year. Carriers for which certifications are filed on or before January 1 will receive support for the second, third and fourth quarters of that year. Carriers for which certifications are filed on or before April 1 will receive support for the third and fourth quarters of that year. Carriers for which certifications are filed on or before July 1 of will receive support for the fourth quarter of that year. Id.

The Commission will continue to accept affidavits on this docket beyond its September deadline each year, and will file corresponding certifications with the FCC and USAC in a timely fashion. To ensure that the Commission will have adequate time to enter an order approving affidavits, carriers should file affidavits at least one month prior to the applicable FCC deadline.

The Commission will provide certification to the Administrator of the USAC and the FCC that carriers who qualify 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 Telecommunications Act of 1996, as amended.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that each rural incumbent local exchange carrier and/or eligible telecommunications carrier file a notarized copy of an affidavit certifying whether federal high-cost support is being used consistent with section 254(e) on or before September 6, 2002.

IT IS FURTHER ORDERED that for each year hereafter, each rural incumbent local exchange carrier and/or eligible telecommunications carrier file a notarized copy of an affidavit certifying whether federal high-cost support is being used consistent with section 254(e) on or before September 1st of

each year, beginning in the year 2003.

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Progression Order #5

IT IS FINALLY ORDERED that the Commission will accept any affidavits filed after each year's September deadline, and will file a corresponding certification with the Administrator of the Universal Service Administrative Company and the Federal Communications Commission.

MADE AND ENTERED at Lincoln, NE this 20th day of August, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director