

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 purpose of) Progression Order #9
certifying the use of federal)
universal service support.)
) Entered: September 23, 2003

BY THE COMMISSION:

The Commission entered an Order in the above-captioned docket on September 9, 2003, acknowledging receipt of affidavits from several carriers, and committing to provide certification to the Administrator of the federal high-cost universal service support mechanisms and the Federal Communications Commission that the carriers will use federal high-cost support for its intended purpose, pursuant to 47 C.F.R § 54.314 and CC Docket No. 96-45. Western Wireless was not addressed in that Order.

Western Wireless timely filed an affidavit with the Commission in this docket; however, the Commission remains concerned that its certification of Western Wireless would allow the company to receive funding for wireless service using conventional handsets from the Universal Service Administrative Company (USAC), the Administrator of federal high-cost universal service support mechanisms. The Commission is aware that Western Wireless has reported line counts for wireless service using conventional handsets to USAC for funding, but that funds have not yet been distributed. Commission staff has contacted USAC regarding the Commission's position that Western Wireless is only eligible for funding for fixed-wireless service lines in Nebraska, pursuant to the Commission's order granting eligible telecommunications carrier (ETC) status to Western Wireless in Application No. C-1889.

On September 18, 2003, Western Wireless filed a letter with the Commission, proposing that (1) the Commission certify Western Wireless for purposes of its currently approved advertising plan,¹ (2) the Commission outline a procedure for reviewing Western Wireless' recently filed advertising plan and (3) indicating that Western Wireless will file with USAC a request to consider filed line counts for measured rate service offerings using conventional handsets ineligible for support and excluded from payment.

OPINION AND FINDINGS

The Commission finds that Western Wireless should be certified for federal high-cost support exclusively for its fixed-wireless

¹ Western Wireless' currently approved advertising plan is limited to a fixed-wireless service offering.

line counts consistent with its approved advertising plan, conditioned upon proof that it has made a filing with USAC to request that filed line counts for measured rate service offerings using conventional handsets (1) be considered ineligible for support, (2) be excluded from any payment that has been requested and (3) continue to be excluded from payment until such time as Western Wireless receives Commission approval for such lines. After the Commission has completed its review of Western Wireless' most recently filed advertising plan, the Commission may examine whether further certification is necessary.

Subject to the conditions described above, the Commission will provide certification to the Administrator of the federal high-cost universal service that Western Wireless 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 the affidavit filed by Western Wireless is accepted with the conditions described in the body of this Order.

MADE AND ENTERED at Lincoln, Nebraska this 23rd day of September, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director