

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,)	Application No. NUSF-4
on its own motion, seeking to)	
determine the level of the fund)	
necessary to carry out the)	ORDER SETTING SURCHARGE
Nebraska Telecommunications)	FROM JULY 1, 2009 THROUGH
Universal Service Fund Act)	JUNE 30, 2010
effective fiscal year beginning)	
July 1, 1999.)	Entered: June 2, 2009

BY THE COMMISSION:

This docket was opened on April 15, 1999, on the Commission's own motion, to determine the level of the fund necessary to carry out the Nebraska Telecommunication Universal Service Fund Act. Neb. Rev. Stat. § 86-328 (2006 Cum. Supp.) states, in pertinent part, that "Annually, the Commission shall hold a public hearing to determine the level of the fund necessary to carry out the Nebraska Universal Service Fund Act." Notice of this hearing appeared in The Daily Record, Omaha, Nebraska on May 5 and May 12, 2009, the Lincoln Journal Star, Lincoln, Nebraska on May 12, 2009, and the Omaha World Herald, Omaha, Nebraska on May 7 and May 12, 2009 pursuant to § 86-328. A public hearing on this matter was held in the Commission Hearing Room, Lincoln, Nebraska, on May 20, 2009.

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

Ms. Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department, which administers the Nebraska Universal Service Fund (NUSF), recommended that the surcharge remain at 6.95 percent. The NUSF Advisory Board also recommended that the surcharge remain at the present level of 6.95 percent. Ms. Vanicek based her recommendation on the lack of growth forecast for NUSF remittances for the upcoming year, and the impact of the current economic downturn on the use and pricing of telecommunications services.

No other person offered testimony either in support of or opposition to retaining the level of the surcharge at 6.95 percent.

Upon review of the testimony given, the Commission is of the opinion that the recommendation of Ms. Vanicek should be accepted. Maintaining the surcharge level at 6.95 percent will keep the NUSF specific, sufficient, and predictable pursuant to Neb. Rev. Stat. § 86-323. Accordingly, the NUSF surcharge should continue to be set at 6.95 percent for the fiscal year of

operations beginning July 1, 2009, and extending through June 30, 2010.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a 6.95 percent surcharge shall fund the Nebraska Universal Service Fund from July 1, 2009 to June 30, 2010.

IT IS FINALLY ORDERED that all affected telecommunications companies are hereby required to collect said surcharge and remit it to the Commission as set forth herein and in Commission Universal Service Rules and Regulations and Commission orders.

MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of June, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director