

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. NUSF-50
Public Service Commission, on	)	Progression Order No. 3
its own motion to make	)	
adjustments to the universal	)	
service fund mechanism	)	
established in NUSF-26.	)	
	)	
In the Matter of the Nebraska	)	Application No. C-3554/PI-
Public Service Commission, on	)	112
its own motion, seeking to	)	
investigate whether the zones	)	MOTION DENIED
established in Docket No. C-2516	)	
are appropriate in light of	)	
NUSF-26 findings and	)	
conclusions.	)	Entered: June 24, 2008

BY THE COMMISSION:

On April 24, 2008 Qwest Corporation (Qwest) filed a Motion seeking adoption of an interim porting mechanism for Nebraska Universal Service Fund (NUSF) support during the period that the Commission's October 10, 2007 Order in this case is stayed. On May 30, 2008, Allo Communications, LLC (Allo) filed comments in opposition to the Motion. On June 3, 2008, the Commission held oral arguments on the Motion. Tim Goodwin appeared for Qwest, Loel Brooks appeared for Allo, Mark Fahleson appeared for Nebraska Technology and Telecommunications, Inc. (NT&T) and Shana Knutson appeared on behalf of the Commission.

Upon consideration of the arguments given by counsel, the Motion and affidavits filed by Qwest, the comments filed by Allo and the post-argument comments filed by NT&T in this matter, the Commission is of the opinion and finds the Motion for Interim Porting Mechanism should be denied. The Commission after careful consideration in the above-captioned proceeding entered an Order on October 10, 2007, which is being challenged by Qwest in federal court. The Commission's Order intended to reasonably de-average UNE rates into four UNE zones while creating a universal service porting mechanism that complemented the UNE zones. Several parties throughout this proceeding argued the Commission should treat the above-captioned proceedings in a unified fashion. The Commission is not going to change the current NUSF porting mechanism in isolation of the underlying costs to provide the service. Accordingly, the porting mechanism which has been in place since the Commission entered its NUSF-26

Findings and Conclusions Order of November 2004<sup>1</sup> remains in place until the federal court resolves the challenge to the Commission's October 10, 2007 Order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Qwest's Motion for an Interim Porting Mechanism be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska this 24th day of June, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring:

Chair

ATTEST:

Executive Director

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<sup>1</sup> Qwest did not previously challenge the Commission's NUSF-26 Order which was entered by the Commission in November of 2004. See *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish a long-term universal service funding mechanism*, Application No. NUSF-26, Findings and Conclusions (November 3, 2004).