

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. NUSF-69.04
Public Service Commission, on)	
its own motion, seeking to)	
implement policies and)	
procedures related to providing)	GRANTED
Dedicated universal service)	
Support for Wireless)	
Telecommunications Services:)	
Petition received April 22, 2010)	
from Long Lines Wireless, LLC,)	
for support.)	Entered: June 29, 2010

BY THE COMMISSION:

On February 10, 2009, The Nebraska Public Service Commission (Commission) approved in part an application by Long Lines Wireless LLC (Long Lines), Sergeant Bluff, Iowa, for support under the Nebraska Universal Service Fund (NUSF) dedicated wireless program for new cell sites in Crofton, Hubbard, and Walthill. On April 22, 2010, Long Lines submitted an application for approval of an alternate cell site for funding under the NUSF funding support already approved for the 2008 calendar year. Notice of the application was published in The Daily Record, Omaha, Nebraska on April 26, 2010. No protests or interventions were filed.

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

Subsequent to the approval of the February 10, 2009 funding order, Viaero Wireless (Viaero) placed a cell site in Crofton which had approximately the same coverage as the cell site proposed by Long Lines in its application for funding. As a result, Long Lines has identified Newcastle as an alternate cell site near Crofton that lacks meaningful wireless coverage and submitted an application for approval of Newcastle as an alternative site for funding under the NUSF funding support already approved for the 2008 calendar year. Long Lines stated that the Newcastle site meets the Commission's guidelines for high-cost underserved areas because Newcastle's out-of-town support area has fewer than 4.5 households per square mile. Long Lines presented documentation about the need for cellular coverage in the Newcastle area.

The Commission finds that Newcastle meets the requirements for support as described in the February 10, 2009 funding order. Therefore, Long Lines' application for approval of Newcastle as an alternate cell site for funding under the NUSF dedicated wireless program for the 2008 calendar year should be approved.

Long Lines is authorized to seek reimbursement for construction of the Newcastle site up to the amount Long Lines requested for the Crofton site which is \$149,500, or the actual cost of site construction, whichever is lower.

Long Lines must first make the investment and file a request for reimbursement with the NTIPS Department. Long Lines does not need to complete the construction process prior to seeking reimbursement; rather, it may work with the NTIPS Department to develop intervals at which reimbursement can be sought. The dedicated wireless program will reimburse Long Lines for reasonable expenditures made related to the cell sites approved in this Order. Once the investment is made, Long Lines shall file a request for support, provide the NTIPS Department with copies of the invoices and shall certify to the Department that it had made the described investment for the provision, maintenance and upgrading of facilities and services in the described rural areas.

As a dedicated wireless program recipient, the Commission finds Long Lines must meet the following conditions:

Exclusive Leasing Provisions Prohibited:

Long Lines may not enter into exclusive lease agreements with the facilities upon which it places its equipment. Owners of the facilities must not be prohibited from leasing additional space to the extent feasible to other providers. Long Lines shall provide the Commission with copies of the Lease Agreements for the approved sites prior to reimbursement.

Roaming Agreements:

Long Lines must agree to permit roaming at commercially reasonable rates. We believe this requirement to be an important policy objective. In its testimony, Long Lines indicated that it has roaming agreements with other carriers and agreed to this condition. The Commission will not require Long Lines to routinely file its roaming agreements. Entities denied roaming access at commercially reasonable or market-based rates may file a request with the Commission to make a determination as to whether this requirement is being satisfied.

Phase II Enhanced 911 Capability:

To advance public safety, the Commission requires that the cell sites funded by this approval must have the equipment and

software necessary for Phase II wireless E911 capability. In addition, in a manner consistent with federal regulations, the wireless provider must provide Phase II wireless E911 service after a request has been made by a County or Public Safety Answering Point (PSAP). Long Lines must certify to the completion and commitment of these requirements prior to reimbursement from the dedicated wireless program.

Reporting Requirements:

Long Lines shall file, on an annual basis, consistent with federally designated ETCs, the information required by the Commission's Telecommunications Rules pertaining to eligible telecommunications companies and the investment information required by the Commission's Order in Docket NUSF-66.

The Commission declines to adopt the suggested financial reporting requirements at this time. The Commission believes the annual ETC reporting requirements will be sufficient for the purposes of determining that dedicated wireless program support is being used for the provision, maintenance and upgrading of facilities and services in Nebraska. Long Lines shall file its annual report on or before June 1 of each year.

In addition, the Commission expects that construction on these projects will proceed in a prompt business-like fashion. Progress reports shall be filed on an annual basis or more frequently if deemed necessary by the Commission, so that the Commission can plan for the timing of distribution for these funds.

Continuing Nature of Requirements:

The Commission will enforce these requirements for as long as the cell sites are in use and providing service to customers. The Commission may take any action it deems necessary and appropriate to enforce the requirements and conditions in this Order.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria the Commission applied in this application for dedicated wireless program support. The Commission may modify the minimum requirements and conditions for future petitions for support from the dedicated wireless program.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Long Lines Wireless, LLC to approve Newcastle as an alternate cell site for funding under the NUSF dedicated wireless program for the 2008 calendar year shall be, and it is hereby, approved as provided herein.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of June, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING

Chairman

ATTEST:

Executive Director