

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. NUSF-69
Public Service Commission, on	)	Progression Order No. 4
its own motion, seeking to	)	
implement policies and	)	
procedures related to providing	)	ORDER
dedicated universal service	)	
support for wireless	)	
telecommunications services.	)	Entered: February 24, 2009

BY THE COMMISSION:

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

The Commission opened this proceeding to determine the amount of support, the allocation of support, and to implement policies and procedures for the Nebraska universal service fund (NUSF) dedicated wireless program.<sup>1</sup> The Commission initially sought comments on a variety of issues in Progression Order No. 1, and in Progression Order No. 2, entered July 24, 2007. The Commission received comments from a number of interested companies which will assist the Commission in determining which carriers should be eligible and the allocation of support for the dedicated wireless program. Then, on February 26, 2008, after considering the comments, the Commission solicited petitions from wireless providers seeking support from the dedicated wireless program.

On February 10, 2009, the Commission approved in part the applications of NE Colorado Cellular, Inc. d/b/a Viaero Wireless and Long Lines Wireless, LLC. The approved support related back to the 2008 calendar support year. At the hearing on the Viaero and Long Lines petitions, Ms. Vanicek, the Nebraska Telecommunications Infrastructure and Public Safety (NTIPS) Department Director, testified that going forward the Commission should modify the process for receiving dedicated wireless program petitions. She suggested the Commission open a fixed window of time each year for the receipt of dedicated wireless program petitions.

The Commission agrees with Ms. Vanicek's recommendation and enters this Order to establish a timeline for filing requests for dedicated wireless program support going forward. For the 2009 calendar funding year, the Commission will open the window for the receipt of dedicated wireless program petitions

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<sup>1</sup> The Commission previously approved support for the dedicated wireless program in Docket NUSF-48 on October 18, 2005. The Commission opened the above-captioned proceeding to implement policies and procedures for the wireless program.

effective immediately. The final date in which petitions for dedicated wireless program support will be accepted by the Commission will be June 1, 2009. After June 1<sup>st</sup>, the Commission will schedule hearings on the petitions received and make a determination of support. The total amount of support allocated for the dedicated wireless program for 2009 is \$5 million.

In subsequent years, the window of time for applications by wireless carriers seeking dedicated wireless program support will be between January 1 and June 1. The Commission will publish notice of each application filed consistent with Rule 011.08. Protests or Formal Petitions of Intervention relevant to a particular application should be filed within 30 days of the date the application is filed consistent with Rules 014 and 015 in the Commission Rules of Procedure.

Wireless carriers filing petitions for support should include detailed information regarding the proposed cell sites or towers and coverage maps showing the wireless coverage before and after construction of a proposed cell site or tower. The wireless carrier should also file proposed estimates of construction costs and depreciation schedules for the assets. The Commission may request further information as needed to make a determination for eligibility and prioritization of support.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that dedicated wireless program support will be considered as provided herein.

MADE AND ENTERED at Lincoln, Nebraska this 24<sup>th</sup> day of February, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director