

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of) Application No. NUSF-77
the Nebraska Telecommunications)
Association for Investigation) ORDER SETTING BRIEFING
and Review of Processes and) SCHEDULE
Procedures Regarding the NUSF.)
Entered: July 7, 2010

BY THE HEARING OFFICER:

On January 14, 2010, a Petition was filed by the Nebraska Telecommunications Association (NTA) for an investigation and review of the processes and procedures regarding the Nebraska Universal Service Fund (NUSF). Notice of the filing was published in The Daily Record, Omaha, Nebraska, on January 19, 2010.

On March 8, 2010, the Commission held a planning conference in Lincoln, Nebraska. The participants generally discussed a timeline for the development of issues to be included in this investigation and the process to be used to move this investigation forward. A consensus was reached on the filing of initial issues and comments and then a period for replies. Interested parties filed an initial list of issues or comments on April 19, 2010 and replies on May 24, 2010.

A workshop was held on June 24, 2010 in Lincoln, Nebraska. The parties generally identified the threshold issues. The parties agreed that there should be a short period to brief some legal issues pertaining to the Commission's jurisdiction and statutory authority. The Commission seeks briefs on the following questions:

1. Does the Commission possess legal authority to provide specific support for deployment and/or operational costs of broadband services through the Nebraska Universal Service Fund (NUSF)?
2. If so, from where does that authority derive? If not, what kind of statutory change would be required?
3. If the Commission does possess the authority to support broadband services by virtue of the NUSF Act, are there any limitations on the Commission's authority with respect to the first question? Please explain.
4. Should the Commission establish a separate NUSF program for supporting the expansion of broadband availability in Nebraska?

Briefs responsive to the questions posed in this Order may be filed on or before 4:30 p.m. central time on **July 23, 2010**. Reply briefs may be filed on or before 4:30 p.m. central time on **August 3, 2010**. Electronic service shall be acceptable. Service on the Commission shall be completed via electronic mail to Brandy.Zierott@nebraska.gov and Shana.Knutson@nebraska.gov.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in this matter, that briefs responsive to the questions posed herein may be filed on or before 4:30 p.m. central time on **July 23, 2010**. Reply briefs may be filed on or before 4:30 p.m. central time on **August 3, 2010**.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of July, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

By:



Frank E. Landis
Hearing Officer