

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of        ) Application No. NUSF-77  
the Nebraska Telecommunications        ) Progression Order No. 7  
Association for Investigation and        )  
Review of Processes and                )  
Procedures Regarding the Nebraska     )  
Universal Service Fund.                )

In the Matter of the Nebraska        ) Application No. NUSF-69  
Public Service Commission on its        )  
own motion seeking to implement        )  
policies and procedures related        )  
to providing dedicated universal        )  
service support for wireless            )  
telecommunications services.            )

In the Matter of the Nebraska        ) Application No. NUSF-26  
Public Service Commission, on its        )  
own motion, seeking to establish        ) ORDER  
a long-term universal service            )  
funding mechanism.                    ) Entered: January 15, 2013

BY THE COMMISSION:

***Background***

On January 14, 2010, the Nebraska Telecommunications Association filed a petition for investigation and review of the Nebraska Universal Service Fund (NUSF) processes and procedures. On March 8, 2010, the Commission held a planning conference to discuss a timeline for the submission and development of issues to be considered for possible inclusion in this investigation. Comments and reply comments were submitted to the Commission by interested parties regarding issues that should be addressed. Subsequently, briefs and reply briefs were submitted in response to our July 7, 2010 Order in which we asked for legal briefs regarding four questions concerning the Commission's legal authority to provide NUSF support for broadband services.

Following the Commission's analysis of the legal briefs submitted in response to the July 7, 2010 Order, on November 3, 2010 the Commission issued Progression Order No. 1 in which we found that the Commission possesses requisite legal authority to provide support for broadband deployment and/or

operational costs of broadband services through the NUSF. Also in Progression Order No. 1 we found that the Commission should consider implementation of a broadband pilot program. A series of questions were posed in and comments were solicited from interested parties.

On January 17 and January 31, 2011, respectively, comments and reply comments were received. Following consideration of these comments and developments in connection with the Federal Communications Commission's (FCC) inquiry regarding the National Broadband Plan as well as adoption of the Connect America Fund, on June 14, 2011 we issued Progression Order No. 3 and found that making NUSF support available for broadband deployment will complement the Commission's existing goal to support networks that provide voice service as well as advanced services. In light of the evolving Federal policies with regard to broadband deployment, we also concluded to proceed incrementally with implementation of the Nebraska Broadband Pilot program (NEBP). In light of the many issues attendant to the implementation of the NEBP, the Commission sought comment on a series of issues relating thereto, and in particular, relating to Year One of the NEBP.

Following receipt of comments and reply comments in response to Progression Order No. 3 and a public hearing on August 8, 2011, on September 27, 2011 the Commission issued Progression Order No. 4 setting forth the proposals which would constitute the basis on which the NEBP would be established. On November 21, 2011 the Commission set forth its findings relating to the establishment of the NEBP, including guidelines for applications for funding therefrom, in Progression Order No. 5. An application period of January 2 through February 1, 2012 was established.

A total of seven applications for funding broadband projects during 2012 were received by the Commission. Public notice of these applications was given and interested parties were provided thirty days to file protests or interventions in response to the applications. A hearing on the applications was held on May 30, 2012.

On June 5, 2012, the Commission issued Progression Order No. 6 soliciting comments and reply comments on several proposals to clarify the goals and to modify the program. Comments were filed on August 15, 2012 by the Rural Independent Companies; Cox Nebraska Telcom, LLC ("Cox");

United Telephone Company of the West d/b/a CenturyLink and Qwest Corporation d/b/a CenturyLink QC ("CenturyLink"); the Rural Telecommunications Coalition of Nebraska ("RTCN"); Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska ("Frontier"); N.E. Colorado Cellular d/b/a Viaero Wireless ("Viaero"); the American Cable Association; and the Nebraska Cable Communications Association.

Reply comments were filed on September 14, 2012 by CenturyLink; Frontier Communications; Nebraska Cable Communications Association; Cox; the Rural Independent Companies; Verizon; and Windstream Communications.

On November 13, 2012, the Commission staff issued a written recommendation in response to the comments and reply comments.

#### ***Commission Goals Adopted in NUSF-26***

As we proceeded with the NEBP 2013 funding year, we thought it advisable to review and re-evaluate the existing NUSF goals as previously articulated by the Commission. The NUSF goals considered in this proceeding are intended to ensure that high-cost, wireless, and NEBP pilot program support are properly focused on the deployment of and maintenance, where appropriate, of quality high-speed services to consumers in all regions of the State of Nebraska.

For the last eight years, as a part of the Commission's efforts to develop a long-term universal service funding mechanism, the Commission has expressed the belief that "it can facilitate access to such [advanced and information services, i.e. the Internet] through its universal service policies and its support of the underlying physical network."<sup>1</sup> In fact, in 2004 we envisioned that "[a]s Advanced Services and Information Services continue to evolve, the Commission anticipates opening a docket to

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<sup>1</sup> *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, Progression Order No. 5 at para. 30 (June 29, 2004) and Findings and Conclusions at para. 38 (Nov. 3, 2004).

explore whether it should adopt standards for deployment and whether additional NUSF Program Support is needed to insure access to these services."<sup>2</sup>

The Legislature declared that the purpose of the Nebraska Telecommunications Universal Service Fund Act (the Act) is to "ensure that all Nebraskans, without regard to their location, have comparable accessibility to telecommunications services at affordable prices." *Neb. Rev. Stat.* § 86-317 (Reissue 2008). The policies that the Legislature identified in the Act that are to be followed in effecting this purpose of the Act are set forth in *Neb. Rev. Stat.* § 86-323 (Reissue 2008).

In August 2002, based upon these statutory directives and significant input from interested parties, the Commission found that the complete list of goals for the long-term support NUSF mechanism should be as follows:

1. The Commission should establish sufficient specific and predictable state support mechanisms.
2. All providers should be afforded an opportunity and not a guarantee to recover their costs. Support should be used for its intended purpose and any support that comes directly from the NUSF should be explicit.
3. The Commission should ensure that all Nebraskans have comparable access to quality telecommunications and information services, including interexchange services, advanced telecommunications and information services.
4. All services must be offered at rates that are just, reasonable, and affordable and that rural rates should be reasonably comparable to urban rates, all across the services.
5. The Commission should encourage the development and maintenance of the telecommunications infrastructure and encourage investment and the deployment of new technologies.

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<sup>2</sup> *Id.* at para. 85.a.

6. Any requirements the Commission adopts should be competitively and technologically neutral.

7. The Commission should protect the public interest and welfare and the surcharge should not burden telecommunications consumers.

8. The Commission should advance the affordable availability of telecommunication services to low-income consumers and schools, libraries and rural healthcare providers.

9. The focus of the NUSF support should be on the consumers and not on the companies.

In the Commission's formulation of the foregoing goals the Commission expressly considered and determined that NUSF support should be provided for creation of an infrastructure that would not only support voice telecommunications, services, but also would support advanced and information services.<sup>3</sup> Further, the Commission found that it should be the goal of the NUSF to provide that "all Nebraskans have comparable access to services including advanced services."<sup>4</sup>

#### ***Issues Described in Progression Order No. 6***

In light of the Act's policies of ensuring that all Nebraskans have comparable access to advanced services and information services at rates that are just, reasonable and affordable, we sought comments from interested parties as to whether the existing goals of the NUSF as set forth above should be revised, and if so, in what regard. Specifically, we requested comments on the following:

1. Should the goals listed above, be amended or expanded based on the goals of the NEBP as set forth in this proceeding?

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<sup>3</sup> *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, Progression Order No. 2 at paras. 23 and 24 (Aug. 27, 2002).

<sup>4</sup> *Id.* at para. 24. See also, Progression Order No. 3 entered in this Docket on June 14, 2011 at page 6.

2. Specifically, should NUSF goal 3 be revised to incorporate a requirement of comparable access to broadband, and should NUSF Goal 5 be revised to encourage deployment of infrastructure capable of supporting broadband delivery to consumers?

3. Should the NEBP be modified into a permanent fund to provide grants for infrastructure to provide advanced and information services, including broadband, to consumers located in unserved and underserved areas of the State?

4. How much funding should be committed to the NEBP in order to fulfill its goals?

5. Should the Commission consider combining the goals for the NEBP with the goals of NUSF-69 and combining the two programs into one technology neutral grant program?

6. Should the Commission's goals be modified to incorporate objectives of the National Broadband Plan created by the Federal Communications Commission?

7. Should the Commission change the process for determining broadband support by permitting carriers to further restrict, but not enlarge, the proposed support area based on negotiations with other providers prior to the Commission staff's review and recommendation?

8. Should the Commission impose a support cap on NEBP support received, as a percentage of available funds, by project or by company and at what level?

9. Is the structure of the NEBP program and its approval mechanism appropriate for the successor fund?

10. Should the Commission require carriers to provide sample speed test data as a verification tool so that the Commission can determine whether an approved project was completed as specified? If so when should this data be provided and how? If not, why not? Is there any other data that should be provided for verification purposes?

11. Should NUSF-77 support received be reflected on the NUSF-EARN form?

12. In what other respects should the existing NUSF goals be modified, reduced or expanded to more explicitly

reflect the policies of the Act to support advanced and information services?

### ***Staff Recommendations***

In Response to the issues numbered 1,2,6 and 12 in Progression Order No. 6, the Commission staff recommended the modification of Goal 1 and to provide certain clarifications for Goal 3. The Commission staff agreed that universal service policy should continue to evolve to meet the needs of consumers and the fundamental objectives of Neb. Rev. Stat. § 86-323 (Reissue 2008).

Consequently, the Commission staff recommended the Commission modify Goal 1 as follows:

1. The Commission should establish sufficient specific and predictable state support mechanisms for universal availability of voice telecommunications services and of broadband service.

The Commission staff agreed the Commission should use the definition of "broadband" adopted in Progression Order No. 4 which is 4/1 Mbps, but agreed that the speed thresholds should be re-examined from time to time.

The Commission staff also recommended no changes to the wording of Goal 3 but rather suggested the Commission clarify that "information" services and "advanced telecommunications" services include broadband service as defined by the Commission. The Commission staff also recommended the Commission clarify that comparable access means universal broadband service access to one fixed and one mobile broadband provider. The Commission staff further recommended the Commission make a finding that reasonably comparable access to quality telecommunications service remains the primary goal of universal service and accordingly must be achieved.

In addition, the Commission staff agreed with Cox that promoting broadband adoption and utilization was extremely important. However, since the Commission is currently working with several other entities including the Nebraska Department of Economic Development, the University of Nebraska, the AIM Institute, and the Nebraska Information Technology Commission to increase broadband adoption under a federal stimulus grant, the staff recommended the Commission use that grant as

the vehicle to promote broadband adoption and utilization for the present time.

The Commission staff also made recommendations addressing Issues 3, 4, 5 and 9. These issues were in relation to whether the Commission should continue the NEBP on a going-forward basis, whether to combine the Dedicated Wireless Fund with the NEBP, and how much support the Commission should allocate to the NEBP.

The Commission staff recommended that NEBP support should be made available for 2013. The Commission staff recommended combining the NEBP and the Dedicated Wireless Fund over a four year transition period. The Commission staff also recommended the Commission continue to utilize the existing methodology for allocation of NEBP support in 2013 with the modification suggested in Issue 7.

With respect to issue 7, the Commission staff recommended having a period of time to negotiate with other affected providers to reduce opposition and target requests to the unserved and underserved areas. The Commission staff recommended that there be a 30-day time period following the end of the protest/intervention deadline to allow carriers to negotiate restrictions to proposed broadband support areas.

In response to Issue 8, the Commission staff recommended the Commission refrain from imposing support caps by project or company on NEBP grant awards in 2013. The Commission staff believed historical data did not currently support, nor lend itself to the creation of fixed support caps.

The Commission staff recommended the Commission collect speed test information as a verification tool from grant support recipients. Specifically, the Commission staff recommended a one-time speed test sample be provided within 90 days of project completion.

Finally, the Commission solicited comments about the treatment of NEBP support on the NUSF EARN Form. The Commission staff recommended that, for the present time, the Commission should permit grant recipients which file NUSF-EARN Forms to exclude the NEBP grant support awarded in 2012 and 2013. The staff stated that companies should not record infrastructure improvements made with NEBP grant support as plant investment in the NUSF-EARN Form and companies should not report grant support received in Line 26 on the NUSF-EARN



Form. The Commission staff further recommended that if the Commission should decide to require companies to include NEBP support in the NUSF-EARN Form, that such a decision should be applied prospectively so that 2012 and 2013 grant recipients are not later disadvantaged by the Commission's final determination on this issue. The staff further clarified that its recommendation applied only to state NEBP support and not to any other federal or state universal service support received by a carrier.

### ***Commission Hearing***

On December 4, 2012, the Commission held a public hearing on the issues raised in Progression Order No. 6 and on the Commission staff recommendation. Mr. Loel Brooks entered an appearance on behalf of Viaero; Mr. Troy Kirk entered an appearance on behalf of RTCN; Mr. Scott Daniels entered an appearance on behalf of CenturyLink; Ms. Deonne Bruning entered an appearance on behalf of Cox; and Mr. Paul Schudel entered an appearance on behalf of the Rural Independent Companies. Representatives from Cox, CenturyLink, RTCN, the Rural Independent Companies, and Viaero provided statements at the hearing.

Mr. Troy Kirk provided a statement on behalf of RTCN in support of the staff's recommendation dealing with the requirement of providing sample speed test data as a verification tool. RTCN suggested the Commission adopt a well-defined system for holding successful applicants accountable to meeting the standards established by the Commission. RTCN further suggested the Commission seek further input on the specifics such as who conducts the tests and submits the results, what tools and standards are to be used and relied upon for consistent and accurate testing.

Mr. Rob Logsdon provided a statement on behalf of Cox and the Nebraska Cable Communications Association. Cox described its concern that with the already wide-spread deployment of broadband by both cable and wireline providers, it was likely the Commission could be providing support to a carrier that seeks to upgrade equipment and/or facilities located within, adjacent to, or nearby an area already served by an un-subsidized provider. Cox believes the upgrade supported by the NUSF should be only used for transport to the unserved and underserved areas and in no way be used to fund the enhancement of speeds or deployment of broadband within an already served area. Cox and the Nebraska Cable

Communication Association urge the Commission to conduct a detailed analysis of applications to ensure the NEBP funds are used appropriately.

Ms. Cathy Clucas provided a statement on behalf of CenturyLink. She stated that the Elkhorn application submitted by CenturyLink was the topic of the Cox witness' concern. In that case, the parties were able to discuss the overlap and CenturyLink withdrew that particular application. Ms. Clucas stated that determining overlap may not be that simple, particularly in cases of transport or electronics.

Ms. Clucas also recommended the Commission consider speed test requirements imposed for federal support. CenturyLink would like to see more similarity between state and federal requirements and similarity among other states where broadband compliance reports are filed.

Mr. Dan Davis provided a statement on behalf of the Rural Independent Companies. The Rural Independent Companies generally supported the Staff Recommendation. However, the Rural Independent Companies requested more flexibility with respect to the 30-day negotiation period. The Rural Independent Companies also recommended the Commission annually evaluate the appropriateness of capping individual company NEBP grant amounts. With respect to Issue 11, the Rural Independent Companies requested the Commission clarify that the match portion of the grant should be accounted for on the NUSF-EARN Form.

Mr. Andrew Newell provided a statement on behalf of Viaero. Viaero also generally supported the Staff Recommendation. Viaero clarified however that the Commission should not be focused on avoiding broadband support in overlapping areas. Mr. Newell stated the Commission should not be afraid of supporting competition. Viaero also recommended the Commission staff be involved in the negotiation process. Viaero recommended a "round table" discussion process for all the applications. Viaero also supported a technical workshop to establish proposed speed test standards.

On December 19, 2012, the Commission received post-hearing comments from Cox, the Rural Independent Companies, RTCN and CenturyLink.

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

Upon consideration of the comments, reply comments, staff recommendation, statements at the hearing and post-hearing comments, the Commission finds the modifications and clarifications described below should be adopted.

**Issues 1, 2, 6 and 12:**

Consistent with the staff recommendation and with the general agreement of all the commenters, the Commission finds Goal 1 should be modified as follows:

1. The Commission should establish sufficient specific and predictable state support mechanisms for universal availability of voice telecommunications services and of broadband service.

The Commission further finds that for the purpose of this goal we should use the definition of "broadband" adopted in Progression Order No. 4 which is 4/1 Mbps. In light of the recommendation from the Rural Independent Companies, the Commission believes that this definition should be re-examined every three (3) years.

The Commission staff also suggested the Commission clarify that "information" services and "advanced telecommunications" services include broadband service as defined by the Commission. The Commission agrees with the staff recommendation and clarifies that "information" services and "advanced telecommunications" services referenced by Goal 3 includes broadband service.

The staff further recommended the Commission make a finding that reasonably comparable access to quality telecommunications service remains the primary goal of universal service and accordingly must be achieved. We agree and find reasonably comparable access to quality telecommunications service is the primary goal of universal service and should be prioritized as such. We clarify that comparable access could mean universal service access to one fixed and one mobile broadband provider.

In response to comments related to using support for broadband utilization and adoption, the Commission staff pointed to the federal stimulus grant received by the Commission for this purpose and recommended we continue efforts under that grant. The staff recommended that the Commission use the 2013 NEBP support for building

infrastructure to provide adequate broadband service while continuing to use the broadband adoption grant support from the stimulus grant received by the Commission until 2014. The Commission agrees with the staff's recommendation.

***Issues 3, 4, 5 and 9:***

The Commission also solicited comments as to whether NEBP support should be continued and, if continued, how much funding should be committed to fulfill the goals of the program. The Commission asked whether it should combine the Dedicated Wireless Fund Program with the NEBP making one technology neutral grant program.

The Commission staff recommended the Commission continue the NEBP and combine the Dedicated Wireless Fund Program with the NEBP slowly over time. The Commission staff recommended a four year transition period.

Most commenters supported the continuation of the NEBP in 2013. Some, but not all commenters, supported combining the Dedicated Wireless Fund with the NEBP.

The Commission finds that the NEBP should be continued as a pilot program and that \$4 million should be allocated for the NEBP in 2013. The application, eligibility, and match requirements will remain unchanged for the 2013 applications.

The Commission further finds it may be beneficial to combine the NEBP and Dedicated Wireless Fund programs over time. These programs should continue to target needed support so that reasonably comparable access to voice and broadband service is available statewide. We agree with the staff recommendation that a transition period of (4) four years should be implemented so that carriers can appropriately construct build-out plans. However, for the 2013 calendar year, the Commission will refrain from shifting support from the Dedicated Wireless Fund to the NEBP.

***Issue 7:***

The Commission sought comment on whether to permit applicants to further restrict, but not enlarge, the proposed support area based on negotiations with other providers prior to the Commission staff's review and recommendation. The Commission staff recommended implementation of this change. Overwhelmingly, the commenters supported implementation of

this change as well. The Commission finds that applicants and affected broadband providers should be encouraged to negotiate the scope of an application for NEBP funding that could lead to a reduction, but not an enlargement of an application area. We agree with the Cox witness that it would be in the parties' best interest to negotiate to restrict the area of overlap. To emphasize this, point, we remind the applicants that the purpose of the NEBP is to target support to areas of the state not served by broadband or areas which are underserved by speeds lower than 4/1 Mbps. The Commission staff's methodology includes a weighting system which prioritizes unserved and underserved areas over served areas. We require applicants that are asked to negotiate in the 30 day negotiating window to use good faith in their negotiations. In addition, the Commission may take into consideration any applicant's bad faith or refusal to negotiate when considering approval of an application as a whole.

The Rural Independent Companies recommended that the Commission allow more flexibility with respect to the 30-day negotiation period. The Commission staff recommended that the time period be fixed without extension.

While the Commission understands that any extension of time will delay the consideration of all applications, there may be situations where more time will be needed to finalize negotiations. Accordingly, we find that a short extension of time may be granted upon good cause shown.

Both Viaero and Cox suggested that staff should participate in the negotiations. Viaero suggested the staff participate in negotiations with all applicants in a "round-table" setting. Cox suggested the staff could serve as a mediator in those applications where questions or concerns exist. At this time, the Commission believes it would be better for the staff to refrain from taking part in the negotiation process as the Commission will rely on the staff to make recommendations on the merits of the applications. The Commission has concerns that staff participation in the negotiations may inadvertently advantage or disadvantage one applicant over another.

#### ***Issue 8:***

The Commission asked whether to impose a support cap on NEBP support received as a percentage of available funds, by

project or by company. The Commission staff recommended that no cap be imposed for the applications filed in 2013. No commenter opposed the Commission staff's recommendation. The Rural Independent Companies recommended that the Commission annually evaluate the appropriateness of capping individual company NEBP grant amounts depending upon the number of applications received for available NEBP grant funds and other relevant considerations. We agree with the Commission staff that for the present time, we will not impose a cap on NEBP support. However, we may re-visit this issue in subsequent years.

**Issue 10:**

In Issue 10, the Commission asked whether it should require carriers to provide sample speed test data as a verification tool so that the Commission can determine whether an approved project was completed as satisfied. Most commenters agreed with using speed test data as a verification tool. The Commission staff recommended the Commission require a one-time speed test sample at the time of project completion.

Some commenters urged the Commission to hold a workshop to explore reasonable and uniform testing methods for purposes of verification. RTCN further suggested the Commission closely monitor the FCC's open proceeding in FCC 11-161 where a decision is anticipated soon as network performance tests are required to be filed by ETCs beginning July 1, 2013. Cox also pointed out that paragraph 585 of the FCC's USF/ICC Transformation Order states that it plans to adopt default speed and latency performance testing and reporting standards in 2013.

We agree with the commenters who suggested the specifications of the speed test requirement should be further refined. The Commission is also interested in exploring speed test collection requirements used by the FCC and other states to determine whether a consistent approach should be adopted. Accordingly, we find a technical workshop should be scheduled to gather additional information.

The Commission will hold a technical workshop to address the collection of speed test information on **March 12, 2013 at 1:30 p.m.**, central time, in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, NE 68508. A call-in bridge will be made available for the convenience of the participants. The bridge number is 888-820-1398 Access

Code 5582059#. We encourage interested persons to file any relevant information and any FCC (if available) or state speed test collection requirements by March 1, 2013 so that the Commission and staff can review these materials prior to the conference.

***Issue 11:***

Finally, the Commission asked whether NUSF-77 support received should be reflected on the NUSF-EARN Form. The Commission staff recommended that for the present time and until the Commission completes its further review of the matter, that the Commission should permit grant recipients to exclude the NEBP grant support awarded from NUSF-EARN Form filings in 2012 and 2013. The Staff recommended that companies not be required to record infrastructure improvements made with NEBP grant support as plant investment on the NUSF-EARN Form and companies should not report grant support received on Line 26 on the NUSF-EARN Form. A number of commenters supported this recommendation. A few competitive carriers recommended the Commission require inclusion of NEBP support on the NUSF-EARN Form.

Upon consideration of the comments and the staff recommendation, we find the staff recommendation should be adopted. NEBP grant recipients should exclude NEBP grant support awarded in 2012 and 2013 as plant investment on the NUSF-EARN Form and companies should not report grant support received on Line 26 on the NUSF-EARN Form. Companies should include their match investment in the NUSF-EARN Form as plant investment where appropriate.

The Commission plans to more fully investigate this issue and other issues related to the NUSF-EARN Form filing requirements at a later date.

***2013 Application Window***

The Commission finds the application window for Year Two of the NEBP should open on **February 1, 2013**. Applications for NEBP support may be filed between **February 1, 2013 and March 1, 2013**. Consistent with the procedure described above, the Commission will publish notice of the applications and determine an appropriate hearing date. Interested parties will be given 30 days following the expiration of the protest period to negotiate restrictions on the application for duplicative service areas. The Commission expects parties to

use good faith in the negotiation process. The Commission may take bad faith or a refusal to negotiate into consideration when making its determination on NEBP support.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the opinion and findings described herein shall be and are hereby adopted.

IT IS FURTHER ORDERED that the application window for 2013 NEBP support shall be open on February 1, 2013 and shall close at 5:00 p.m. central time on March 1, 2013.

IT IS FURTHER ORDERED that a technical workshop on the collection of speed test data will be held on March 12, 2013 at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska this 15<sup>th</sup> day of January, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION  
COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director



SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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IT IS FURTHER ORDERED that a technical workshop on the collection of speed test data will be held on March 12, 2013 at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska this 15<sup>th</sup> day of January, 2013.

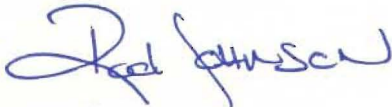
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chair





ATTEST:



Executive Director



//s// Anne Boyle

//s// Frank E. Landis