

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-92
Public Service Commission, on its)
Own Motion, to Administer the)
Nebraska Universal Service Fund) ORDER
Broadband Program.)
Entered: December 10, 2013

BY THE COMMISSION:

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. Through various progression orders the Commission established the Nebraska Broadband Pilot Program.

As we proceed with the 2014 broadband program funding year, the Commission finds it appropriate to assign the broadband program with a new caption which more aptly describes the subject matter. Accordingly, the Commission opens this proceeding to serve as a vehicle for the Nebraska Universal Service Fund Broadband Program. All 2014 broadband applications will be docketed under NUSF-92 in a sequential docket order.

The Commission asks that applicants utilize the checklist attached hereto as Appendix "A" and provide the information relevant for each project. All confidential materials must be clearly marked. A redacted copy of the application must be filed for public dissemination.

In addition, the Commission wishes to provide further guidance to prospective applicants relative to costs that have previously been disallowed. In prior years, the Commission has disallowed certain zoning, permitting, and regulatory compliance costs in the dedicated wireless fund program and subsequently the broadband pilot program, consistent with the staff's recommendation. The Commission will now consider these costs as potentially eligible costs beginning with the 2014 broadband program applications.

2014 Application Window

The Commission finds the application window for Year Three of the Nebraska Broadband Program should open on **December 15, 2013**. Applications for support may be filed between **December 15, 2013 and February 3, 2014**. In subsequent

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years the Commission will open the application window the first business day in October. The application window will close on the last business day in November.

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 broadband support.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be opened.

IT IS FURTHER ORDERED that the application window for 2014 Nebraska Broadband Program support shall be open on **December 15, 2013** and shall close at 5:00 p.m. central time on **February 3, 2014**.

MADE AND ENTERED at Lincoln, Nebraska this 10th day of December, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Chair

Anne Boyle

Frank E. Landis

ATTEST:

Sue Meredith
Executive Director

//s//Anne C. Boyle
//s//Frank E. Landis

Appendix A

<u>APPLICATION CHECKLIST</u>	
1. A listing of all companies associated with the proposed broadband project that will provide the broadband or voice component of the service to consumers, including a main point of contact for all companies. (This requirement does not refer to vendors such as construction companies or equipment providers.)	
2. A description of the proposed broadband project plan for which NEBP funding is being requested including download and upload speed capabilities which can be provided using the proposed infrastructure. Minimum speed standards should be 4 mbps download and 1 mbps upload.	
3. A description of which areas are "unserved" or "underserved" for each project in accordance with the Commission's definition.	
4. A list in Excel Format of all the census blocks where broadband facilities would be deployed for the proposed project which shall include 2010 Census Block identification numbers of service area, by project. The list of census blocks must be identified on a per project basis and must be contained in one spreadsheet. Carriers should not break apart the listing of census blocks in separate workbook tabs.	
5. An estimate of the number of potential new broadband subscribers for each project.	
6. A schedule for broadband deployment with commitment to complete the build-out within 24 months of approval of the application. The schedule should describe milestones in project completion increments of 25 percent, and the estimated date by which the milestones will be completed. ¹	

¹ While the applicant must provide a build-out plan which shows a commitment to complete the project within 24 months, this timeframe may

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7. A proposed budget, showing total project costs, in electronic format, ² with a detailed breakdown of the cost elements and a depreciation schedule showing the life of the investment.	
8. Proposed retail pricing, including both monthly recurring costs and nonrecurring costs for the new broadband service(s) to be offered. Proposed rate, either monthly recurring (MRC) or non-recurring (NRC), for broadband related customer premise equipment (CPE, e.g. modem). If none listed, please state that applicant will not be changing a rate to the end user for broadband CPE.	
9. Retail rate(s) charged for basic voice service. If a subscriber line charge is assessed, the amount of the (SLC). If no SLC is assessed then a statement that no SLC is assessed.	
10. A description of the applicant's commitment to offer broadband services to all households within the service area of the project for a minimum of five (5) years.	
11. A description of the applicant's commitment to provide broadband data to the Commission and its vendors for the duration of the State Broadband Data and Development (SBDD) program so that this broadband coverage area can be depicted on the Commission's state broadband data inventory map and on the National Telecommunications and Information Administration's (NTIA's) national broadband map.	
12. A description of the applicant's financial	

be extended by the Commission upon a showing of extraordinary circumstances.

² A proposed budget shall be submitted in an editable, Microsoft Excel format with all underlying data included and available.

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qualifications, which may be filed on a confidential basis, to meet the commitments made in the application. ³	
13. If the applicant does not have a certificate of public convenience and necessity to provide telecommunications services in Nebraska, a demonstration of the applicant's financial, technical, and managerial competence. ⁴	
14. A description of the applicant's financial match which will be used to meet the commitments made in the application. Applicant shall submit a proposed budget for the entire project cost. ⁵	
15. An affidavit from the Applicant attesting to the truth and accuracy of all information included in the application.	

³ For companies filing Annual Report Form M information, such information would be sufficient to meet this requirement.

⁴ A balance sheet and income statement can be submitted to demonstrate financial competency.

⁵ Consistent with the Department's recommendation, the applicants may provide invoices to the Commission based upon 25 percent milestones. Once those are reached, the Commission would reimburse 75 percent of the invoice cost and the grantee would be responsible for the remaining 25 percent.

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