

# Nebraska Public Service Commission

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April 7, 2015

The Honorable Tom, Wheeler, Chairman  
Federal Communications Commission  
445 12th Street S.W.  
Washington, D.C. 20554

**Sent Via Electronic Mail**

## EX PARTE COMMUNICATION

Re: Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions, GN Docket No. 12-268; Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269.

Dear Chairman Wheeler:

The Nebraska Public Service Commission (NPSC) hereby submits this letter in support of the recommendations made by the National Association of State Utility Consumer Advocates (NASUCA) in its March 19, 2015 ex parte. With the upcoming broadcast incentive auction, the Commission will have the opportunity to alter the future dynamic of wireless service in this country. According to comments in this record, roughly 75 percent of the low-band spectrum is controlled by two carriers, AT&T and Verizon.<sup>1</sup> Increased concentration of valuable low-band spectrum will decrease competitive choice for consumers and will place rural markets at risk. We are particularly concerned that rural areas in Nebraska will be left behind unless the Commission applies adequate safeguards to allow smaller competitors to fairly compete for spectrum.

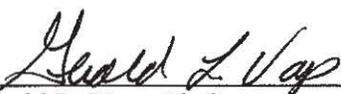
With that in mind, we encourage the Commission to move forward with the 600MHz broadcast incentive auction with a framework designed to allow the non-dominant carriers to effectively compete in the marketplace. The Commission should increase the size of the spectrum reserve and encourage more facilities-based wireless competition as recommended by NASUCA. The Commission should likewise take steps to foreclose the ability of the dominant carriers to cut off access to spectrum resources needed to provide meaningful and fair competition.

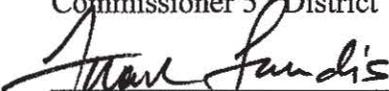
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<sup>1</sup> See e.g. Reply Comments of Sprint Corporation, *Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002 Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, AU Docket No. 14-252 and GN Docket No. 12-268 (March 13, 2015). See also Notice of Oral Ex Parte Presentation filed by Open Technology Institute and Public Knowledge, Docket Nos. 12-268 and 12-269 (March 16, 2015).

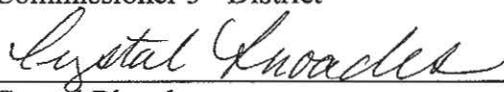
Thank you for your continued commitment to promote robust and innovative wireless services in rural America.

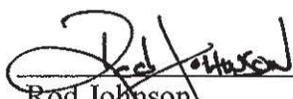
Sincerely,

  
\_\_\_\_\_  
Gerald L. Vap, Chairman  
Commissioner 5<sup>th</sup> District

  
\_\_\_\_\_  
Frank E. Landis  
Commissioner 1<sup>st</sup> District

  
\_\_\_\_\_  
Tim Schram, Vice Chairman  
Commissioner 3<sup>rd</sup> District

  
\_\_\_\_\_  
Crystal Rhoades  
Commissioner 2<sup>nd</sup> District

  
\_\_\_\_\_  
Rod Johnson  
Commissioner 4<sup>th</sup> District

CC: Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O’Rielly  
Mr. Charles Acquard, Executive Director, NASUCA