

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Action Communications, Inc. ) WC Docket No. 02-60  
 )  
Request for Waiver of Section 54.611 )  
Of the Commission's Rules )

**REPLY COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

The Nebraska Public Service Commission (NPSC) hereby submits its reply comments in response to the Public Notice of the pleading cycle established in the proceeding referenced above. The Commission should grant Action Communications, Inc.'s request for a waiver of the Commission's rural health care program rules and emergency request for stay/special relief on an expedited basis.

**DISCUSSION**

On October 13, 2009, Action Communications, Inc. (Action) requested a waiver of section 54.611 of the Commission's rules, which requires that the Universal Service Administrative Company (USAC) reimburse any monies due a carrier from the universal service rural health care support mechanism only after an offset is credited against that carrier's universal service support obligations. Action also requests that the Commission grant an expedited stay of USAC's decision which would allow Action to continue to receive monthly rural health care support disbursements pending the Commission's review of this waiver request.

The NPSC supports Action's request for waiver and for an immediate stay of USAC's decision. The NPSC understands the purpose of C.F.R. § 54.611, however the practical application of this rule on Action in this case presents harsh results. In addition, based on the Petition, it appears that there is no reasonable alternative to Action, other than to reduce its subscriber base which would be contrary to the public interest.

Action is an eligible telecommunications carrier in Nebraska for the purpose of receiving Nebraska Telehealth Universal Service Fund support which supplements the federal universal service fund support mechanism. Action is a small company which provides telecommunications services as a competitive local exchange carrier in western Nebraska and as an eligible carrier for telehealth support purposes. Action's footprint covers some of the most rural and sparsely populated areas of the state.

Nebraskans are fortunate to have a statewide telehealth network which provides rural patients with specialized care, instruction, and tele-trauma services, thanks in large part to the availability of federal and state universal service programs. In the Nebraska Telehealth Network, Action provides approximately twenty-one T-1 connections to rural hospitals and public health departments in western Nebraska, as well as 4 T-1 connections that serve as backbone lines connecting western Nebraska with the eastern part of the state. The NPSC is concerned that if the requested waiver and stay are not granted, it could jeopardize Action's ability to provide the telehealth services it currently provides in Nebraska. A denial of the stay or inaction could cause disruption in

