

# Nebraska Public Service Commission

**COMMISSIONERS:**

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**NEBRASKA CONSUMER HOTLINE:**  
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**EXECUTIVE DIRECTOR:**

MICHAEL G. HYBL

September 23, 2011

Received & Inspected

SEP 26 2011

FCC Mail Room

✓ Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A306  
Washington, DC 20554

Karen Majcher  
Vice President, High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite #200  
Washington, DC 20036

RE: Certification of Support for Rural and Non-Rural High-cost Carriers  
Pursuant to 47 C.F.R Sections 54.313-314, CC Docket Nos. 96-45 and 00-256

To the Filing Representatives:

The Nebraska Public Service Commission hereby certifies that all federal high cost support provided to rural and non-rural carriers in this state, will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254(e) of the Communications Act of 1934, as amended. This includes High Cost Loop (HCL) support, Local Switching Support (LSS), High Cost Model (HCM) support, and high cost support received pursuant to the purchase of exchanges.

Attached is the Commission's Order in Application NUSF-25, Progression Order No. 23/NUSF-66, as approved by the Nebraska Public Service Commission on September 20, 2011. The Commission Order lists those rural and non-rural carriers certified by the Nebraska Public Service Commission, pursuant to sections 54.313 and 54.314 of the FCC's rules (47 C.F.R. §§ 54.313, 54.314), which requires states to establish an annual certification process for rural and non-rural carriers receiving federal high cost support. As requested by the Universal Service Administrative Company, a listing of these carriers and their assigned study area code (SAC), if known, has been included as an attachment to this letter.

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

Ms. Marlene Dortch, Secretary, Federal Communications Commission  
Ms. Karen Majcher, Universal Service Administration Company  
September 22, 2011  
Page -2-

Additionally, pursuant to section 54.316 of the Federal Communication Commission (FCC) rules, the above referenced Order certifies the reasonable comparability of residential rates in rural area of Nebraska, served by non-rural incumbent local exchange carriers (ILECs) to urban rates on a national level.

Sincerely,

A handwritten signature in cursive script that reads "Tim Schram". The signature is written in black ink and is positioned above the printed name.

Tim Schram, Chair

TS/bz

Enclosure

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MIKE HYBL

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## FACSIMILE TRANSMISSION

TO: Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, SW Room TW A306  
Washington DC 20554

FAX #: (866) 418-0232

FROM: Sue Vanicek, Director  
Nebraska Telecommunications Infrastructure and  
Public Safety Department

DATE: September 22, 2011

RE: Certification of Support  
Nebraska Rural and Non-Rural High Cost Carriers

# OF PAGES (INCLUDING THIS COVER PAGE): 10

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The Nebraska Public Service Commission is forwarding, by facsimile transmission today, a copy of the Commission's Orders and related attachments, certifying the named Nebraska rural and non-rural telecommunications carriers receiving federal high-cost support.

Hard copies of these same documents will be directed to your attention by overnight courier.

**FAXED**  
9/23

# Nebraska Public Service Commission

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**EXECUTIVE DIRECTOR:**

MICHAEL G. HYBL

September 22, 2011

## CERTIFICATION

To Whom It May Concern:

I, John Burvainis, Deputy Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed as Application No. NUSF-25, P.O. #25/NUSF-66 on the 20th day of September, 2011. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Sue Vanicek, Director, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 22nd day of September, 2011.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Burvainis".

John Burvainis  
Deputy Director

JB:sh

Enclosure

cc: Attached mailing list

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) APPLICATION NO. NUSF-25  
Public Service Commission, on ) Progression Order No. 25  
its own motion, seeking to )  
establish guidelines for the )  
purpose of certifying the use )  
of federal universal service )  
support. )

In the Matter of the Nebraska ) APPLICATION NO. NUSF-66  
Public Service Commission, on )  
its own motion, seeking to )  
establish guidelines for the )  
purpose of certifying the use )  
of state universal service )  
support. ) Entered: September 20, 2011

BY THE COMMISSION:

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

1. On May 15, 2007, the Nebraska Public Service Commission (Commission) established a process for verifying whether all federal high-cost support will be used for its intended purpose, pursuant to 47 C.F.R §§ 54.313 and 54.314, and CC Docket No. 96-45; and whether all state high-cost support will be used for its intended purpose pursuant to Neb. Rev. Stat. § 86-324. See Application Nos. NUSF-25/NUSF-66, Progression Order #18 (May 15, 2007).

2. By June 1st of each year, each eligible telecommunications carrier (ETC) and Nebraska eligible telecommunications carrier (NETC) is required to file with the NTIPS Department an adequate description of how the high-cost funding support has been used and an adequate description of how high-cost support will be used during the next year.

3. Upon its review, the Commission finds that the following carriers adequately filed information demonstrating that they will use federal high-cost support for its intended purpose, pursuant to 47 C.F.R §§ 54.313 (non-rural carriers) and 54.314 (rural carriers) and CC Docket No. 96-45:

Allo Communications, LLC  
Alltel Wireless

United Telephone Company of the West d/b/a CenturyLink  
U.S. Cellular Corporation (USCC)  
Vivian Telephone Company  
Wauneta Telephone Company  
Windstream Nebraska Inc.

4. Accordingly, the Commission will provide certification to the Administrator of the federal high-cost universal service support mechanisms and the Federal Communications Commission (FCC), that the above-listed carriers will use federal high-cost support only for the provision, maintenance, and upgrading of facilities and/or service for which the support is intended in accordance with § 254(e) of the Telecommunications Act of 1996, as amended.

5. The Commission may continue to review the ETC/NETC filings on an ongoing basis. The Commission may modify its requirements or thresholds for certification. Therefore, the certification in this Order shall not be construed as precedent as to whether levels of investment or types of investment will be considered acceptable by the Commission in the future.

6. As such, the NTIPS Department should continue its review of the ETC/NETC filings and notify the carrier with any concerns with the June, 2011 ETC/NETC verification filings. The Commission will give the carrier an opportunity for a hearing with respect to any concerns which would cause the Commission to conclude that an ETC's or NETC's high-cost certification should be de-certified or revoked.

7. On October 27, 2003, the FCC released its Order on Remand, Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order in CC Docket 96-45, FCC 03-249 (Order on Remand). In that Order, the FCC expanded the state certification process. Each state is required to review its rates in rural, high-cost areas served by non-rural carriers annually to assess the comparability of those rates to urban rates nationwide. See also 47 C.F.R. § 54.316. States are required to file a certification with the FCC by October 1<sup>st</sup> annually, stating whether its rates are reasonably comparable to nationwide urban rates, or in the alternative, explain why they are not.

8. The Commission finds that the following non-rural carrier(s) charge rural rates which fall below the safe harbor and are therefore presumably reasonably comparable:

Application No. NUSF-25/NUSF-66, Progression Order No. #25  
 Federal High Cost Support - Study Area by Carrier  
 Attachment to Nebraska Commission Order 9/20/2011

<u>COMPANY NAME</u>	<u>STUDY AREA CODE (SAC)</u>
Allo Communications, LLC	379010
Alltel Communications of Nebraska, Inc.	379013
Arapahoe Telephone (ATC Communications)	371516
Arlington Telephone Company	371517
Benkelman Telephone Company	372455
Blair Telephone Company	371524
Cambridge Telephone Company	371526
Citizens Telecommunications/Frontier NE	371128
Clarks Telecommunications Co.	371531
Consolidated Telco, Inc.	371530
Consolidated Telecom, Inc. frmly Home Telephone and Eustis Telephone	371562 371545
Consolidated Telephone Co.	371532
Cozad Telephone Co.	371534
Curtis Telephone Co.	371536
Dalton Telephone Co. Inc.	371537
Diller Telephone Co.	371540
Eastern Nebraska Telephone Co.	371542
Elsie Communications, Co.	371518
Glenwood Membership Corporation	371553
Golden West Telecommunications Coop	391659
Great Plains Communications	371577
Hamilton Telephone Co.	371555
Hartington Telecommunications Co.	371556
Hartman Telephone	371557
Hemingford Cooperative Telephone	371558

Henderson Cooperative Telephone	371559
Hershey Cooperative Telephone	371561
Hooper Telephone Company dba Westel	371563
Huntel Cablevision dba Huntel Communications	379016
K&M Telephone Company	371565
Keystone-Arthur Telephone	371567
Mobius Communications, Co.	379014
Nebraska Central Telephone	371574
Nebraska Technology and Telecommunications	379004
NE Colorado Cellular dba Viaero Wireless	379008
Northeast Nebraska Telephone	371576
Orbitcom, Inc.	379009
Pierce Telephone Co.	371581
Pinpoint Communications	379003
Plainview Telephone	371582
Qwest Communications Corporation-NE	375143
Rock County Telephone	371586
Sodtown Telephone	371590
Southeast Nebraska Communications, Inc. f/k/a Southeast Nebraska Telephone Company	371591
Stanton Telecom, Inc.	371592
Three River Telco	371525
Three River Communications, LLC	379015
United States Cellular Corporation (USCOC of Nebraska/Kansas)	379019
United Telephone Company of the West d/b/a CenturyLink	371595
Vivian Telephone	391686
Wauneta Telephone	371597
Windstream Nebraska, Inc.	371568