

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

In the Matter of)	
)	
Connect America Fund;)	WG Docket Nos. 10-90
)	05-337
High Cost Universal Service Support)	
)	
)	

COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION

The Nebraska Public Service Commission (NPSC) hereby submits these comments in response to the Public Notice released in the proceeding referenced above on June 1, 2012 by the Federal Communications Commission (FCC).¹ Specifically, the FCC is seeking comments regarding data specifications for collecting study area boundaries for purposes of implementing various reforms adopted by the FCC. The NPSC appreciates the opportunity to offer comments on the issues raised by the FCC, specifically on a systematic way to confirm the service territories of all incumbent LECs.

Nebraska has played an active role in rate center boundaries in the State of Nebraska for many years. The NPSC has addressed many issues related to rate centers boundary determination and maintenance, including dual service areas, determination of unserved areas, and adjusting existing boundaries when previously unserved areas become populated. Further, the NPSC pursuant to state statute has the authority to make certain exchange boundary changes in response to customer petitions when a customer is unable to receive satisfactory voice service in the current exchange. Such authority has been utilized by the NPSC since the 1960's. In addition, in 2012, the Nebraska Legislature enacted legislation that broadened the requisite showing for a customer to be eligible for a boundary change to include customers unable to

¹ *Comment Sought on Data Specifications for Collecting Study Area Boundaries*, WC Docket Nos. 10-90, 05-337, Public Notice (rel. June 1, 2012)("Public Notice").

receive satisfactory broadband services.² The NPSC has therefore historically and is currently playing a significant role in the determination, maintenance, and revision of rate center boundaries, and is therefore in a unique position to offer comment on the Public Notice.

The FCC seeks comment on, “a systematic way to confirm the service territories of all incumbent LECS.”³ Based upon the NPSC experience in establishing and revising incumbent LEC boundaries, our Commission believes state commissions are best situated to provide confirmation of the service territories of the incumbent LECs within their jurisdiction. The NPSC thinks it would be more efficient for all parties involved, but would especially reduce the overall cost and effort for incumbent LECs. Further, having the state commission as the one entity responsible for maintaining boundary maps will result in a convenient and accurate source of information for all carriers and the FCC. Additionally, going forward it will simplify the process of sharing data in the event any changes are made to incumbent LEC rate center boundaries.

The FCC also seeks comments on the proposal to standardize the format in which incumbent LECs submit study area maps and asks commenters proposing alternative formats to address potential data processing issues identified by the FCC.⁴ The NPSC fully supports standardization of the format used to submit study area maps in ESRI compatible shape files as identified in Appendix A. The NPSC believes that ESRI compatible shape files should be the required format to submit maps to the FCC to ensure compatibility, limit potential errors, and provide a streamline and efficient process to submit the information. Furthermore, we urge the FCC to adopt a process whereby a state commission could opt-in as the submitting entity to ensure accuracy and consistency with the required format, and eliminate conflict and confusion

² Nebraska Unicameral Laws 2012, Legislative Bill 715.

³ Public Notice at ¶ 5.

⁴ Public Notice at ¶ 6.

as to what is the official exchange boundary.

Comment is also sought regarding the proposed process of resolving overlap issues to accurately reflect study area boundaries on the nationwide map created by the FCC. Specifically, the FCC wants comment on comparing the submitted data to the state maps and resolving any apparent conflicts in the data received.⁵ In Nebraska we have addressed the issue of voids and overlaps, therefore, if the NPSC were the designated entity to submit the official rate center boundaries to the FCC for the state of Nebraska, the need to compare the FCC compiled data with the state map would be unnecessary.

Additionally, if the state commissions were the designated entity to submit the data to the FCC, any boundary disputes or other overlap issues would be resolved at the state level. Should any intrastate questions, disputes, or other issues arise regarding boundaries, unserved area, etc., it would be resolved at the State level and updated information would be transmitted to the FCC. In the event a conflict arises at a boundary between two states, the states responsible for the boundaries would cooperate to resolve the dispute at the state level and any resulting boundary revisions would be transmitted to the FCC by the appropriate state commissions.

The FCC also requested comments regarding designating other entities, such as a state telecommunications association or other geographic information system agency, if a state commission does not provide input.⁶ The NPSC believes the authority to address all existing rate center boundary issues or disputes should reside with the state regulatory commission. In Nebraska, the NPSC is the entity with legal authority to make binding decisions relative to rate center boundaries, which also includes enforcement authority of NPSC orders regarding such matters. The knowledge and input of the other entities mentioned, state associations, GIS

⁵ Public Notice at ¶ 7.

⁶ Id.

agencies, etc., should definitely be utilized to assist the state commission in making determinations regarding boundaries. However, the knowledge, expertise, and experience in matters involving LECs and telecommunications boundaries lies with the state commissions, regardless of the specific level of authority and oversight granted each commission by the state. The state commissions are clearly the most appropriate, efficient, and obvious place to address and LEC boundary issues prior to submission to the FCC for compilation in the national map.

The FCC further offered a proposal regarding determination of void areas.⁷ The NPSC believes the determination of void areas and respective comment period at the federal level would be inefficient and costly. All parties concerned, including customers, LECs, state commissions, and the FCC would be better served if the process and determination of void areas was done at a state level. First, because of the ongoing efforts in Nebraska, we are unaware of any void or unserved population areas, and we feel this may very well be the case in many other states. Second, in rural areas, population density estimates based upon census block data does not always accurately reflect the location of a household. It is only upon review at the state level that an accurate evaluation and subsequent determination can be made of which carrier should serve the location that is in the best interest of the carriers and customers involved. To illustrate, the NPSC recently worked with a consumer that had built a home in an unserved rural area and the nearby incumbent LEC's to determine which carrier was best suited and willing to serve the new home and made the requisite revision to the incumbent LEC boundaries to reflect the addition.

Comment was also sought by the FCC on the possible voluntary agreement of a state commission to be the entity responsible to collect and compile boundary information for

⁷ Id.

transmittal to the FCC, and the certification of the accuracy of the boundary information submitted.⁸ The NPSC has been performing the suggested boundary process for many years and has begun the process of moving from paper to electronic incumbent LEC rate center boundary maps in the ESRI format recommended. We plan to continue performing this function and would share the information with the FCC. Further, the NPSC would be willing to certify the accuracy of the data and would compile the certifications from the carriers submitting data to the NPSC for transmittal to the FCC. If the state commissions were the designated entities to compile and submit data to the FCC, as we have suggested, there would be no need for multiple submittals or certifications to the FCC by various groups, only the one submittal from each state commission.

Finally, the FCC requested comment regarding the concept of a deadline for state commissions to commit to be the entity to submit boundary data to the FCC. The NPSC believes giving state commissions the opportunity to formally commit to participate in providing the FCC accurate boundary information makes sense and the NPSC would make every effort to comply with an FCC established deadline. The NPSC further believes a time line of 120 days after the requirements are finalized, published, and accepted would be sufficient to compile electronic boundary map files with the requested data and submit them to the FCC, as there are no known rate center conflicts in Nebraska. The FCC may want to consider an extension request process for states where a conflict or dispute arises, as it may take more than 120 days to complete a dispute resolution process at the state level.

In conclusion, state commissions, like the NPSC, are in a unique position and have tremendous value to add to the nationwide mapping process proposed by the FCC. The FCC should avail itself of the experience and expertise readily available in state commissions to create

⁸ Public Notice t ¶ 8.

a simple, efficient, and effective process to compile, maintain and revise service territories. We respectfully urge careful consideration of the NPSC proposals and appreciate the opportunity to express our opinions on these important issues.

Dated this 2nd day of July, 2012.

Respectfully Submitted,

Nebraska Public Service Commission

/s/ Nichole Mulcahy

300 The Atrium Building
1200 N Street
Lincoln, Nebraska 68508
(402)471-3101