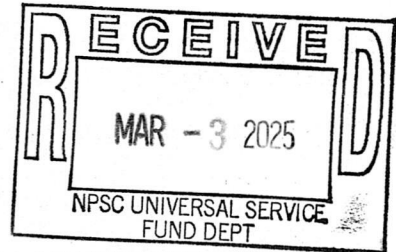


BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)
Public Service Commission, on)
its own motion, seeking to implement)
policies and procedures related)
to providing dedicated universal)
service support for wireless)
telecommunications services.)

Docket No. NUSF- 143



COMMENTS OF NE COLORADO CELLULAR, INC., DBA VIAERO WIRELESS

NE Colorado Cellular, Inc., dba Viaero Wireless (“Viaero”) respectfully submits the following comments in response to the Nebraska Public Service Commission’s (“Commission”) Order Seeking Comments on the administration of the, entered July 27, 2021, in the above-captioned docket.

As a recipient of NUSF-92 high cost wireless infrastructure support in the past, Viaero has partnered with the Public Service Commission on over 90 projects statewide to increase service in the costliest, sparsest rural areas of Nebraska over the years. Viaero supports the Commission’s goal to clarify the purpose of the program and to close gaps in mobile service coverage. Viaero appreciates the opportunity to comment on these important questions. The program has played a critical role in expanding telecommunications infrastructure in Nebraska, and maintaining the integrity of its existing framework is essential to ensuring continued success.

Questions Posed

1) State Certification Process and Wireless Carrier Participation

Viaero supports maintaining the existing requirement that only ETC-designated carriers are eligible to receive support under this NUSF funding mechanism. This requirement provides essential regulatory oversight, ensures the program follows the letter and spirit of the law, and ensures that low-income consumers continue to benefit from Lifeline

services, which can only be assured by ETCs and enforced by the Commission. The current framework, which includes obligations related to roaming, collocation, Lifeline participation, and 911 access, establishes clear and enforceable standards that safeguard the public interest while ensuring effective deployment of telecommunications services. While broader participation may be desirable, the existing structure remains an appropriate mechanism for achieving the objectives of the program.

2) Scoring Criteria Adjustments

Viaero takes no position on potential modifications to the scoring criteria. The existing criteria are effective in prioritizing rural network capabilities. Any future adjustments should remain consistent with the overarching goal of broadening access to telecommunications infrastructure statewide.

3) Eligibility of Tower Companies for NUSF Support

Viaero opposes expanding eligibility for NUSF support to tower construction companies or other non-ETC entities. Such companies cannot satisfy the certification requirements imposed on ETCs, which serve as a critical safeguard to ensure that NUSF funds are utilized in a manner that directly benefits consumers. Allowing non-ETC tower companies to participate would introduce significant risks, including the potential of extremely high costs for tower rental rates for collocation, without any regulation for such tower tenants to adhere to the program and ensure ongoing responsibility for call completion, roaming commitments, participation in the Lifeline program or the offering of low-cost service options to those that qualify. Further, expanding eligibility in this manner could undermine the core objective of the NUSF by diverting funds from infrastructure deployment by ETCs to entities that do not have control over the provision of telecommunications services.

Historically, the program has functioned, and continues to function, as intended, facilitating substantial investment in rural telecommunications infrastructure. It is unnecessary and inappropriate to alter the framework in a manner that could diminish its effectiveness and open the fund up to fraud and waste. The current structure ensures that

NUSF funds are used for direct consumer benefits, and it should not be altered to accommodate entities that are not positioned or able to make commitments to deliver ETC quality service.

If the Commission is to consider allowing non-ETCs or tower companies to participate in the program, the Commission should evaluate what regulatory requirements it can implement on such participants, and how such certifications could be provided to ensure that consumers in Nebraska have the necessary service commitments from those planned or anticipated tenants (co-locators) on the towers, and the regulatory authority the Commission would have to enforce such commitments.

4) Ongoing Participation and Future Workshops

Although Legislative changes have negatively impacted Viaero's ability to receive NUSF support at this time, the company has successfully participated in the program for nearly a decade. Upon future eligibility, Viaero fully intends to reapply and continue contributing to the expansion of reliable rural telecommunications services. Additionally, Viaero welcomes the opportunity to participate in any workshops of discussions regarding potential modifications to the program. Given the program's success in fostering infrastructure investment, any changes should be carefully considered to ensure continued effectiveness in serving Nebraska's telecommunications needs.

In conclusion, Viaero remains committed to working collaboratively with the Commission, industry stakeholders, and policymakers to support the expansion of reliable, high-quality telecommunications services across the state. While Viaero is currently ineligible to receive NUSF support, it looks forward to future opportunities to participate as soon as circumstances allow.

Viaero values the Commission's leadership in shaping policies that balance industry investment, consumer protection, and infrastructure deployment. The company welcomes further discussions and the opportunity to contribute to future workshops or regulatory proceedings regarding NUSF-143 and other initiatives that promote connectivity for Nebraska's residents.

Dated: February 28, 2025

NE COLORADO CELLULAR, INC.
d/b/a VIAERO WIRELESS



By: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day February, 2025, an electronic copy of NE Colorado Cellular, Inc., d/b/a Viaero Wireless's comments were delivered to:

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