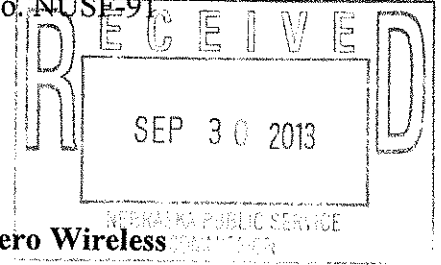


BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own)
motion, to increase broadband adoption among)
low-income consumers through the development)
of a Nebraska broadband telephone assistance)
program.)

Application No. NUSE-91



Comments of N.E. Colorado Cellular, Inc. d/b/a Viera Wireless

N.E. Colorado Cellular, Inc., d/b/a Viera Wireless (“Viera”) respectfully submits these Comments in response to the Commission’s Order Opening Docket and Seeking Comments (the “Order”) entered on August 13, 2013. Viera is grateful for the opportunity to articulate its position regarding the Commission’s investigation on ways to increase broadband adoption among low-income consumers in Nebraska.

- 1. Should the Commission consider implementing a Nebraska-specific broadband lifeline program by adding a broadband component to its existing NTAP program to increase adoption among low-income consumers in Nebraska? Please explain.**

Viera supports implementing a broadband component to the existing NTAP Program for those eligible to receive support from the NTAP Program. Viera believes that a need exists for more affordable broadband for low-income Nebraska consumers. The public policy goals articulated by the Nebraska Legislature in the creation of the Nebraska Universal Service Fund (“NUSF”), namely the provisioning of advanced information services to all Nebraskans at a reasonable rate, can be further achieved by expanding the NTAP Program to subsidize broadband services to low-income Nebraska consumers.

- 2. Does the Commission have the authority under its current statutory framework to implement a broadband component to its NTAP program? Why or why not?**

The Nebraska Universal Service Fund (“NUSF”) was created to provide funding to ensure that all Nebraskans have comparable access to telecommunication services at affordable prices. Neb. Rev. Stat. § 86-317. The NUSF Act, Neb. Rev. Stat. §§ 86-316 to 86-329, goes on to provide that the Legislature desired to advance universal service based upon the principle that “[q]uality telecommunications and information services should be available at just, reasonable, and affordable rates; . . .” § 86-323(1). That same section goes on to state that “[c]onsumers in all regions of the state, including low-income consumers and those in rural and high-cost areas, should have access to . . . **advanced telecommunications and information services** . . . at rates that are reasonable comparable to rates charged for similar services in urban areas.” § 86-323(3) (emphasis added).

In the Matter of the Petition of the Nebraska Telecommunications Association for Investigation and Review of Processes and Procedures Regarding the NUSF, docket no. NUSF 77, the Commission entered Progression Order No. 1 on November 3, 2010 in which the Commission found that it possessed the requisite legal authority to provide support for broadband deployment and/or operational costs of broadband services through NUSF. The Commission emphasized that the Legislature had delegated authority to the Commission under § 86-325 to determine the standards and procedures necessary to operate the NUSF which included the authority to use NUSF funds to provide universal access to “advanced telecommunications and information services,” such as broadband, to Nebraska consumers across the state.

The Nebraska Telephone Assistance Program (“NTAP”) is a part of the NUSF Act. While § 86-329 of the NUSF Act, which deals with NTAP, seems to limit funding from the NTAP Program to local exchange carriers for basic local exchange services, the first part of § 86-329 specifically states that NTAP is to fund “the provision of universal service.” The Commission has previously determined in the NUSF 77 docket that universal service, as defined by the Legislature in § 86-323, includes access to broadband services. Because the Commission has determined that NUSF funds can be used for broadband deployment, the Commission should also conclude that the requirement that NTAP fund universal service for low-income Nebraskans also permits the Commission to subsidize the provisioning of broadband services to those Nebraskans who are eligible for the NTAP Program.

3. If the Commission should adopt such a program how should it be implemented?

- a. Should the Commission set aside a certain amount from the universal service fund and dedicate such funds to the NTAP broadband program? The Commission seeks comment on whether the Commission should initially cap the NTAP broadband program at no more than \$5 million per year? Why or why not?**

Viaero would recommend that the Commission set aside a certain amount from the NUSF and dedicate those funds to the NTAP broadband program. The Universal Service Fund seems (1) to likely be the only fund with resources available for use in this type of program; and (2) the principles and public policy goals of the Nebraska Universal Service Fund align with the goal of the NTAP broadband program, specifically, the provisioning of advance information services, including broadband, to more Nebraska consumers regardless of their location or financial situation.

Viaero would support an initial cap of \$5 million per year depending upon how much Lifeline broadband support the Commission determines should be available to consumers. If the Commission were to determine that eligible consumers could receive \$20/month support from the NTAP for broadband services, that would be 20,800 Nebraska residents who could receive annual support for broadband

services. The Commission should determine whether this is a reasonable number of possible consumers.

b. Should the Commission provide a discount on recurring broadband rates similar to the current telephone assistance program? If not, why not?

Viaero supports providing a discount on recurring broadband rates similar to the current Telephone Assistance Program as that would provide consistency in the implementation of both the Telephone Assistance Program and broadband program.

c. If so, what would be the appropriate discount?

i. Should the discount be a fixed amount? Would twenty dollars (\$20.00) per household per month be reasonable? Why or why not?

Viaero would support a technology-neutral, fixed amount for Lifeline support. This would promote a policy goal of making basic, broadband services available to those who cannot afford basic broadband. Should a consumer who is eligible for assistance from the broadband program desire to have a faster broadband speed, that should be an economic decision on the part of the consumer.

ii. In the alternative, if an NTAP discount is applied, should it be a tiered amount based upon the recurring retail broadband rate? If so, how should the tiered amounts be determined and how would this be administered by the Commission? Would the Commission need to require copies of customer invoices or rate lists from NTAP providers?

Viaero believes that a fixed amount would be better than a tiered amount. As stated in the previous section, the goal of the broadband program should be to increase the accessibility of basic broadband services. Funding based upon a tiered system would provide a subsidy above and beyond simply making broadband more accessible through NTAP subsidies.

iii. If an NTAP discount is applied should there be a minimum recurring amount subscribers should pay for broadband service? If so what is the appropriate amount?

Viaero believes that this is a policy question on which Viaero is not in a position to comment.

d. How should broadband speed tiers be taken into account?

Viaero believes that a fixed amount would be better than a tiered amount. As stated in the previous section, the goal of the broadband program should be to increase the accessibility of basic broadband services. Funding based upon a tiered system would provide a subsidy above and beyond simply making broadband more accessible through NTAP subsidies.

e. How should bundled rates be taken into account?

Viaero believes that a fixed amount would be better than a tiered amount. As stated in the previous section, the goal of the broadband program should be to increase the accessibility of basic broadband services. Funding based upon a tiered system would provide a subsidy above and beyond simply making broadband more accessible through NTAP subsidies.

f. Should the Commission use the FCC's definition of "broadband" to determine eligible speed tiers? Given that a number of speed tiers or service offerings may be available should there be other Commission requirements associated with an NTAP broadband discount?

The Commission should use the definition of "broadband" develop in the NUSF 77 docket which has a 4 Mbps download and 1 Mbps upload speed requirement.

4. Are there other programs which are currently being used to increase broadband adoption for low-income consumers? If so, please provide a description of these programs? Are these programs successful? Why or why not?

Viaero is unaware of any specific state-sponsored programs which are currently being used to increase broadband adoption for low-income consumers.

5. As broadband services are becoming more widely available are rates for broadband services decreasing? Are broadband services becoming more affordable? Why or why not?

Broadband rates are a function of complex marketing and deployment factors which make industry-wide pricing correlations highly unreliable.

6. Are there any other states that have implemented a broadband component to their low-income program? If so, please provide details as to how these programs have been implemented?

Viaero is not currently aware of any other states that have implemented a broadband component to their low-income telephone program.

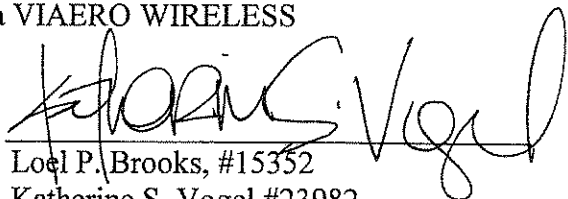
7. Are there any other suggestions or proposals the Commission should consider to increase broadband adoption?

Viaero looks forward to providing further comment and analysis as this Docket progresses.

DATED this 30th day of September, 2013.

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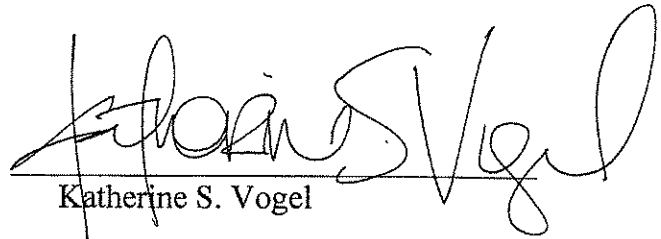
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 30th day of September, 2013, five paper copies and one electronic copy of Viaero Wireless' Comments in Docket No. NUSF 91 were delivered to:

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