



**Title 291 NAC, Chapter 10
Universal Service Fund
Rules and Regulations**

NEBRASKA ADMINISTRATIVE CODE

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TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION

CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

<u>Items</u>	<u>Page</u>
001 GENERAL.....	6
001.01 DEFINITIONS.....	6
001.01(A) ACCESS CHARGE PASS-THROUGH.....	6
001.01(B) ACCESS SERVICE.....	6
001.01(C) ASSESSABLE REVENUE.....	6
001.01(D) BASIC LOCAL EXCHANGE SERVICE.....	6
001.01(E) BENCHMARK PRICE.....	6
001.01(F) CALENDAR YEAR.....	6
001.01(G) COMMISSION.....	6
001.01(H) CONNECTION CHARGES.....	6
001.01(I) DEPARTMENT.....	6
001.01(J) DIRECTOR.....	6
001.01(K) ELIGIBLE TELECOMMUNICATIONS CARRIER.....	6
001.01(L) EXTENDED AREA SERVICE.....	6
001.01(M) FEDERAL ACT.....	6
001.01(N) FISCAL YEAR.....	7
001.01(O) INTERCONNECTED VOICE OVER THE INTERNET PROTOCOL SERVICE.....	7
001.01(P) INTEREXCHANGE SERVICE.....	7
001.01(Q) LOCAL EXCHANGE AREA.....	7
001.01(R) NEBRASKA ELIGIBLE TELECOMMUNICATIONS CARRIER (NETC) ..	7
001.01(S) NEBRASKA UNIVERSAL SERVICE FUND (NUSF).....	7
001.01(T) NUSF SURCHARGE.....	7
001.01(U) SERVICE AREA.....	7
001.01(V) SUPPORT AREA.....	7
001.01(W) SUPPORTED SERVICE.....	7
001.01(X) TELECOMMUNICATIONS.....	7
001.01(Y) TELECOMMUNICATIONS COMPANY.....	7
001.01(Z) TELECOMMUNICATIONS SERVICE.....	8
001.01(AA) USER.....	8
001.01(BB) WIRELESS CARRIER.....	8
001.02.....	8
001.03.....	8
002 COLLECTION OF THE NUSF SURCHARGE.....	8
002.01 ASSESSABLE REVENUE.....	8
002.01(A).....	8
002.01(B).....	8

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

002.01(C) HOTELS, MOTELS AND OTHER ENTITIES.....	9
002.01(D) OTHER SERVICES.....	9
002.02.....	10
002.02(A).....	10
002.03 UNCOLLECTIBLE AMOUNTS.....	10
002.03(A) NON-PAYMENT OF THE NUSF SURCHARGE.....	10
002.04 EXEMPTIONS.....	10
002.04(A) NEBRASKA TELEPHONE ASSISTANCE PROGRAM RECIPIENTS..	10
002.04(B).....	11
003 REMITTANCE.....	11
003.01 FILING OPTIONS.....	11
003.01(A) MONTHLY.....	11
003.01(B) QUARTERLY..	11
003.02 REMITTANCE WORKSHEETS.....	11
003.03 REMITTANCES TO THE NUSF.....	11
003.03(A) DEPARTMENT INITIATED REMITTANCES.....	11
003.04 TRUE-UP.....	11
003.04(A) DIRECTOR APPROVAL.....	12
003.05 AUDIT REQUIREMENTS.....	12
003.05(A) FIRST TIER.....	12
003.05(B) SECOND TIER.....	12
003.06 CONFIDENTIAL TREATMENT.....	12
003.07 NOTICE REQUIREMENT.....	12
004 PAYMENTS.....	12
004.01 NEBRASKA ELIGIBLE TELECOMMUNICATIONS CARRIER.....	12
004.01(A) DESIGNATION OF ELIGIBILITY.....	12
004.02 PAYMENTS FROM THE HIGH-COST PROGRAM.....	12
004.02(A) PROVISION OF SERVICES.....	12
004.02(B) COMMISSION ORDERS.....	13
004.02(C) ADDITIONAL CRITERIA.....	13
004.02(D) SUPPORTED SERVICES.....	13
004.02(E) REQUIRED INFORMATION.....	14
004.02(F) USE OF NUSF FUNDING.....	14
004.02(G) ELIGIBILITY OF SUPPORT FOR THE HIGH-COST PROGRAM..	14
004.02(H).....	15
004.02(I).....	15
004.02(J) AUDIT REQUIREMENTS.....	15
004.03 TELEHEALTH PROGRAM.....	15

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

004.03(A) USAGE.....	15
004.03(B) ELIGIBLE SERVICES AND EQUIPMENT.....	15
004.03(C) FEDERAL FUNDING	15
004.03(D) ANNUAL FUNDING MAXIMUM	15
004.03(E) APPROVED TELEHEALTH SUPPORT	15
004.03G PROXY STATEMENT	16
004.03(H) DISCONNECTION AND LATE FEES	16
004.03(I) AUDIT REQUIREMENTS.	16
004.04 NEBRASKA TELEPHONE ASSISTANCE PROGRAM (NTAP).....	16
004.04(A) ELIGIBILITY AND SUPPORT.	16
004.04(B)	16
004.05 WIRELESS PROGRAM.....	16
004.05(A) ELIGIBILITY AND SUPPORT	16
004.06 PAYMENT PROCEDURES..	17
004.07 AUDIT REQUIREMENTS.	17
004.07(A) PROVIDED INFORMATION.....	17
004.07(B) ANNUAL AUDIT	17
004.07(C).	17
004.07(C) TRI-ANNUAL AUDIT	17
004.08 PAYMENT CALCULATION.	17
004.08(A) FUNDING MECHANISM..	17
004.08(B) ANNUAL DETERMINATION OF FUNDING.	17
004.08(C) ADJUSTMENTS.....	17
005 ACCESS PASS-THROUGH.....	18
005.01 REQUIRED PASS-THROUGH.....	18
005.02 COMPANIES REQUIRED TO DEMONSTRATE PASS-THROUGH	18
005.03 DEMONSTRATION OF PASS-THROUGH.....	18
005.03(A) SUBMISSION OF INFORMATIONr.....	18
006 NEBRASKA TELEPHONE ASSISTANCE PROGRAM (NTAP).	18
006.01 GENERAL.....	18
006.01(A) NTAP NUMBER.	18
006.01(B) NTAP NUMBER REQUIREMENT	18
006.01(C) MONTHLY REPORTING.	18
006.01(D) AUDIT REQUIREMENTS.....	18
006.02 LIFELINE SERVICE PROGRAM.	18
006.02(A) DEFINED.....	18
006.02(B) REDUCTION IN RATES.....	18
006.02(C) REQUIREMENT TO OFFER SERVICE	19
006.02(D) LIMITATION/BLOCKING SERVICE	19
006.02(E) SERVICE DEPOSITS.....	19

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

006.02(F) DISCONNECTION.....	19
006.03 LINK-UP PROGRAM.....	20
006.03(A) DEFINED.....	20
006.03(B) REDUCTION.....	20
006.03(C) DEFERRED PAYMENT SCHEDULE.....	20
006.03(D).....	20
006.03(E) SUBSEQUENT BENEFITS.....	20
006.04 QUALIFICATIONS.....	20
006.04(A) PROGRAMS.....	20
006.04(B) USERNAME.....	20
006.05 REQUIREMENTS TO OFFER.....	21
006.05(A).....	21
006.05(B).....	21
006.06(A).....	21
006.06(B).....	21
006.07 DIRECTORY.....	21
006.07(A) REQUIRED INFORMATION.....	21
006.07(B) DIRECTORY INDEX.....	21
006.08 ADVERTISING.....	21
006.09 NOTIFICATION.....	21
007 ADMINISTRATIVE PENALTIES.....	21
007.01 VIOLATION OF RULES.....	21
007.02 REFUSAL TO PAY AN ADMINISTRATIVE FINE.....	22
007.03 REPEAT VIOLATIONS.....	22
007.04 SHOW CAUSE ORDER.....	22
007.04(A) CERTIFICATED OR PERMITTED TELECOMMUNICATIONS COMPANY.....	22
007.04(B) NON-CERTIFICATED OR PERMITTED TELECOMMUNICATIONS COMPANY.....	22
007.05 FINE LIMITS.....	22
007.06 NOTICE.....	22
007.06(A) WAIVER OF HEARING.....	22

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

<u>CODE SECTION</u>	<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>
001	GENERAL	86-140, 86-316 to 86-329
002	COLLECTION OF THE NUSF SURCHARGE	86-323 to 66-328
003	REMITTANCE	86-323 to 86-329
004	PAYMENTS	86-324
005	ACCESS PASS-THROUGH	86-140, 86-323
006	NEBRASKA TELEPHONE ASSISTANCE PROGRAM	86-323, 86-329
007	ADMINISTRATIVE PENALTIES	86-324, 75-156

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

001 GENERAL.

001.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires, the following definitions shall apply.

001.01(A) ACCESS CHARGE PASS-THROUGH. Changes in charges for interexchange services that correspond to changes in charges for access services ordered by the Commission pursuant to Neb. Rev. Stat. Section 86-140.

001.01(B) ACCESS SERVICE. The offering of access to exchange services or facilities for the purpose of the origination or termination of interexchange services.

001.01(C) ASSESSABLE REVENUE. Revenues defined by Commission Rule to be subject to the Nebraska Universal Service Fund surcharge. The Commission may, on an interim basis, designate services to be subject to the NUSF surcharge by order until such time as a rulemaking can be completed.

001.01(D) BASIC LOCAL EXCHANGE SERVICE. The origination, termination, and transmission of two-way switched voice telecommunications or its functional equivalent within a local exchange area, excluding extended area service(s).

001.01(E) BENCHMARK PRICE. The target price for telecommunications service as determined by Commission order.

001.01(F) CALENDAR YEAR. The period from January 1 of one year to December 31 of the same year.

001.01(G) COMMISSION. The Nebraska Public Service Commission.

001.01(H) CONNECTION CHARGES. Charges assessed for commencing services including any charges that a telecommunications company automatically assesses to provide the user with telecommunications services.

001.01(I) DEPARTMENT. The Department established within the Commission for the administration of the Nebraska Universal Service Fund.

001.01(J) DIRECTOR. The Director of the Department established within the Commission for the administration of the Nebraska Universal Service Fund.

001.01(K) ELIGIBLE TELECOMMUNICATIONS CARRIER. An eligible telecommunications carrier is a carrier designated by the Commission pursuant to 47 U.S.C. § 214(e) to receive monetary support from the Federal Universal Service Fund.

001.01(L) EXTENDED AREA SERVICE. A telecommunications service which groups two or more local exchange areas for the origination, termination, and transmission of two-way switched voice telecommunications or its functional equivalent without an interexchange toll charge or an optional enhanced area calling plan that has been found acceptable by the Commission.

001.01(M) FEDERAL ACT. The federal Communications Act of 1934, as amended, including the federal Telecommunications Act of 1996, Public Law 104-104.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

001.01(N) FISCAL YEAR. The period from July 1 of one year to June 30 of the following year.

001.01(O) INTERCONNECTED VOICE OVER THE INTERNET PROTOCOL SERVICE. A service that (1) enables real-time, two-way voice communications; (2) requires a broadband connection from the user's location; (3) requires IP-compatible User premises equipment; and (4) permits users to receive calls which originate on the public switched telephone network and to terminate calls to the public switched telephone network.

001.01(P) INTEREXCHANGE SERVICE. Telecommunications service between points in different local exchange areas.

001.01(Q) LOCAL EXCHANGE AREA. A geographical area established by a telecommunications company for the administration of telecommunications services for purposes of the NUSF, generally encompassing a city, town, or village and its environs approved by the Commission.

001.01(R) NEBRASKA ELIGIBLE TELECOMMUNICATIONS CARRIER (NETC). A telecommunications company specifically designated by Commission order to receive support from the Nebraska Universal Service Fund consistent with the Federal Act and Nebraska statutes.

001.01(S) NEBRASKA UNIVERSAL SERVICE FUND (NUSF). The Nebraska Telecommunications Universal Service Fund as described in Neb. Rev. Stat. Sections 86-316 through 86-329 and administered in accordance with the Commission rules and regulations and Commission orders.

001.01(T) NUSF SURCHARGE. The NUSF surcharge set annually by Commission order pursuant to Neb. Rev. Stat. Section 86-328.

001.01(U) SERVICE AREA. A geographic area designated by the Commission in which an NETC shall provide service.

001.01(V) SUPPORT AREA. A geographic area within a service area designated by the Commission in which an NETC receives a specific level of NUSF support.

001.01(W) SUPPORTED SERVICE. A group of telecommunications services, excluding interexchange service and extended area service, designated by Commission Rule for which an NETC providing such service may receive support from the NUSF. The Commission may, on an interim basis, in accordance with Commission rules and regulations, designate a supported telecommunications service by order until such time as a rulemaking can be completed.

001.01(X) TELECOMMUNICATIONS. The transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

001.01(Y) TELECOMMUNICATIONS COMPANY. Any natural person, firm, partnership, limited liability company, corporation, or association providing telecommunications for hire in Nebraska without regard to whether such entity holds a certificate or permit from the Commission.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

001.01(Z) TELECOMMUNICATIONS SERVICE. The offering of telecommunications for a fee.

001.01(AA) USER. Any person, firm, partnership, corporation, limited liability company, municipality, cooperative, organization, governmental agency or any other entity provided with telecommunications or telecommunications service by a telecommunications company.

001.01(BB) WIRELESS CARRIER. Any natural person, firm, partnership, limited liability company, corporation or association providing mobile radio service, radio paging service, or wire-less telecommunications service for a fee in Nebraska intrastate commerce.

001.02. Procedures involving the administration of the NUSF shall be governed by the Nebraska Universal Service Fund Rules and the Rules of Commission Procedure unless otherwise prescribed by order of the Commission.

001.03. The Commission will specify, by order, the manner in which information shall be filed with the Department. Upon a showing of good cause, the Director may accept information filed in a manner other than prescribed in a Commission order.

002 COLLECTION OF THE NUSF SURCHARGE.

002.01 ASSESSABLE REVENUE. The NUSF surcharge shall be assessed on all end-user telecommunications provided in Nebraska intrastate commerce. Telecommunications companies shall collect and remit the NUSF surcharge.

002.01(A). The NUSF surcharge shall be assessed on telecommunications in accordance with Commission rules and regulations and Commission orders.

002.01(B). Specific Categories of Telecommunications Service subject to the NUSF Surcharge.

002.01(B)(i) LOCAL EXCHANGE SERVICE.

002.01(B)(i)(a). Charges for monthly service, local calling, extended area service or its functional equivalent, connection charges, vertical features and other local exchange service.

002.01(B)(i)(b). Charges for local private line and special access service.

002.01(B)(i)(c). Other local exchange service revenues not explicitly excluded in Rule 002.01(D).

002.01(B)(ii) COMMERCIAL MOBILE SERVICES AND WIRELESS TELECOMMUNICATIONS SERVICES.

002.01(B)(ii)(a). Monthly service and activation charges.

002.01(B)(ii)(b). Message charges including roaming but excluding toll charges.

002.01(B)(ii)(c). All other commercial mobile service revenues not explicitly

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

excluded in Rule 002.01(D).

002.01(B)(ii)(d). Prepaid wireless activation charges and sales (including sales to customers and non-carrier distributors) reported at face value of cards.

002.01(B)(iii) INTEREXCHANGE SERVICES.

002.01(B)(iii)(a). Prepaid calling card (including card sales to customers and non-carrier distributors) reported at face value of cards.

002.01(B)(iii)(b). Operator and toll calls with alternative billing arrangements (credit card, collect, call-back, etc).

002.01(B)(iii)(c). Ordinary interexchange (direct dialed MTS, customer toll-free 800/888 service, "10-10" calls, associated monthly account maintenance, etc).

002.01(B)(iii)(d). Interexchange private line services.

002.01(B)(iii)(e). All other interexchange services not explicitly excluded in Rule 002.01(D).

002.01(B)(iv). Interconnected Voice Over the Internet Protocol Services.

002.01(B)(iv)(a). Charges for monthly service and activation. Charges for vertical features if charged separately or bundled.

002.01(B)(v) RADIO PAGING SERVICES.

002.01(B)(v)(a). Monthly service and activation charges.

002.01(B)(v)(b). Message charges including roaming.

002.01(B)(v)(c). All other radio paging service not explicitly excluded in Rule 002.01(D).

002.01(C) HOTELS, MOTELS AND OTHER ENTITIES.

002.01(C)(i). The NUSF surcharge shall be assessed on charges made to hotels, motels and other entities for telecommunications services that may be re-billed by the user to another party.

002.01(D) OTHER SERVICES.

002.01(D)(i) INTERSTATE TELECOMMUNICATIONS, CHARGES AND SURCHARGES. The NUSF surcharge shall not apply on the interstate portion of telecommunications. When the intrastate portion of telecommunications cannot be determined or if such determination would result in an undue administrative burden, a telecommunications company may request that the Commission approve an allocation factor to determine the intrastate portion of the service or the Commission may adopt a relevant Federal Communications Commission safe harbor provision.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

002.01(D)(i)(a) JOINT USE SERVICES. In cases where a charge is made for both intrastate and interstate telecommunications service, and the interstate telecommunications service is not charged separately or cannot be readily determined, the NUSF surcharge shall apply to the total charge, except as provided in Rule 002.01(D)(i)(b).

002.01D1(B) ALLOCATION FACTOR. When the intrastate portion of a joint use service charge cannot be determined or if such determination would result in an undue administrative burden, a telecommunications company may request that the Commission approve an allocation factor to determine the intrastate portion of the service or may adopt any relevant Federal Communications Commission safe harbor provisions.

002.01(D)(ii) FEDERAL CHARGES AND SURCHARGES. The NUSF surcharge shall not be assessed on Federal Subscriber Line Charges (SLC), Primary Interexchange Carrier Charges (PICC), Number Portability Surcharges, and similar federal charges and surcharges.

002.01(D)(iii) PAY TELEPHONE COIN REVENUE. The NUSF surcharge shall not be assessed on coin services provided from pay telephones.

002.01(D)(iv) INTERMEDIATE SERVICES. The NUSF surcharge shall not be assessed on intermediate telecommunications services, such as access service, that are provided by one telecommunications company to another as long as the company receiving such service collects the NUSF surcharge from the retail services that it provides to its users through the use of the intermediate service.

002.01(D)(v) TAXES AND SURCHARGES. The NUSF surcharge shall not be assessed on local, state, or federal taxes, 911 surcharges, telecommunication relay service surcharges, or similar taxes or surcharges.

002.02 NUSF Surcharge Shown on User Bills. The NUSF surcharge shall be explicitly shown on user bills as “NE Universal Service”.

002.02(A) De Minimis Waiver. The Commission may grant a waiver from the requirement of section 002.02 to a telecommunications company upon application for good cause when the amounts to be collected from the user are de minimis as such term is defined by the Commission in an Order.

002.03 UNCOLLECTIBLE AMOUNTS. Telecommunications companies shall be allowed to deduct uncollectible amounts from revenues that are subject to assessment of the NUSF surcharge.

002.03(A) Non-Payment of the NUSF Surcharge. Non-payment of the NUSF surcharge shall be considered non-payment for the service rendered by the telecommunications company and shall be subject to appropriate remedies, including disconnection of service.

002.04 EXEMPTIONS.

002.04(A) NEBRASKA TELEPHONE ASSISTANCE PROGRAM RECIPIENTS. Qualifying users that are enrolled in the Nebraska Telephone Assistance Program (NTAP)

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

are exempt from assessment of the NUSF surcharge. This exemption is limited to the single local exchange service line receiving NTAP support and the services provided thereon.

002.04(B). All companies providing telecommunications service in Nebraska, as defined by 001.01(Z), shall file an annual affidavit with the Department attesting to the compliance with all Rules and Regulations and Commission Orders for the Nebraska Telephone Assistance Program.

003 REMITTANCE.

003.01 FILING OPTIONS.

003.01(A) MONTHLY. Telecommunications companies shall remit the NUSF surcharge on a monthly basis to the NUSF except as provided in Rule 003.01(B).

003.01(B) QUARTERLY. A telecommunications company whose assessable revenue is less than \$20,000 for a given calendar year may remit on a quarterly basis to the NUSF. A company who elects to file on a quarterly basis pursuant to this rule shall notify the Commission in writing prior to switching from a monthly remittance filing basis to a quarterly remittance filing basis.

003.02 REMITTANCE WORKSHEETS. Remittance worksheets shall be received by the Department no later than the 15th day following the end of a remittance period. In the event the 15th day falls on a weekend or a holiday, the remittance worksheet is due on the next business day.

003.03 REMITTANCES TO THE NUSF. Except as provided in Rule 003.03(A), all remittances shall be transferred electronically to the Nebraska State Treasurer. Remittances shall be received by the Nebraska State Treasurer no later than the 15th day following the end of remittance period. In the event the 15th day falls on a weekend or a holiday, the electronic remittance is due on the next business day.

003.03(A) DEPARTMENT INITIATED REMITTANCES. A telecommunications company may elect to have the Department initiate the electronic transfer of such company's remittance to the NUSF.

003.03(A)(i) AUTHORIZATION AND BANKING INFORMATION. A telecommunications company electing to have the Department initiate the electronic transfer of remittance to the NUSF shall provide the necessary authorization and banking information required by the Director.

003.03(A)(ii) INITIATION OF TRANSFER. The receipt of a telecommunications company's remittance worksheet will result in the Department's initiation of the electronic transfer of the telecommunications company's remittance to the NUSF if the appropriate indication is made on said remittance worksheet. Said electronic transfer will be done in accordance with authorization granted to the Department by the company.

003.04 TRUE-UP. A telecommunications company shall revise or adjust any remittance information previously reported to the NUSF for purposes of reporting accurate remittance

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

information, except as provided in Rules 003.04(A) and 003.04(B).

003.04(A) DIRECTOR APPROVAL. If a telecommunications company's revision or adjustment produces a variance of more than ten percent (10%) from originally reported remittance revenues, said company shall obtain the written approval of the Director before the revision or adjustment is filed.

003.05 AUDIT REQUIREMENTS. A company reporting remittance information is subject to an audit consistent with procedures set forth by the Commission. The term "audit" as used in this section and the requirements necessary to fulfill this section shall be further defined by Commission Order. The audit shall include all information used in determining its assessable revenue and a written report of the results of such audit shall be provided to the Department before the end of the calendar year following the audit period.

003.05(A) FIRST TIER. A telecommunications company whose assessable revenue is greater than one million dollars (\$1,000,000) in a given calendar year shall have an audit performed on an annual basis.

003.05(B) SECOND TIER. A company whose assessable revenue is less than one million dollars (\$1,000,000) in a given calendar year shall be subject to a remittance audit once every three years. The audit period may include any of the three years in the three year audit cycle.

003.05(B)(i) AUDIT WAIVERS. A company whose assessable revenue is less than one hundred thousand dollars (\$100,000) may be granted an audit waiver. To be eligible for a waiver, companies shall meet the criteria included in the remittance audit policies. The granting of such waiver is at the sole discretion of the Commission.

003.06 CONFIDENTIAL TREATMENT. All remittance information provided by companies will be treated as confidential and proprietary by the Department.

003.07 NOTICE REQUIREMENT. A company shall not be required to file remittance information or remit payments when the telecommunications company has no users in the State of Nebraska and no assessable revenue as defined by Rule 001.01(C). A company shall notify the Commission in writing prior to the cessation of filing remittances and remittance information.

004 PAYMENTS.

004.01 NEBRASKA ELIGIBLE TELECOMMUNICATIONS CARRIER.

004.01(A) DESIGNATION OF ELIGIBILITY. Only a telecommunications company explicitly designated as an NETC by the Commission for the expressly stated purpose of receiving funding from the NUSF by Commission order shall be eligible to receive NUSF funding.

004.02 PAYMENTS FROM THE HIGH-COST PROGRAM.

004.02(A) PROVISION OF SERVICES.

004.02(A)(i) NUSF FUNDING. An NETC shall only receive NUSF high-cost program

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

funding for the actual provision of supported services as described in Rule 004.02(D).

004.02(A)(ii) PROVISION TO ALL USERS. An NETC shall provide supported services for which it receives NUSF high-cost program support to all requesting users within a service area.

004.02(A)(iii) REASONABLY COMPARABLE RATES. An NETC shall charge reasonably comparable rates for supported services as determined by Commission Order.

004.02(A)(iv) BENCHMARK RATES. An NETC shall charge not less than the benchmark rate as determined by Commission Order for basic local exchange service including residential and business services to qualify for high-cost support. The business service benchmark shall be the same as the residential service benchmark.

004.02(B) COMMISSION ORDERS. An NETC shall be in compliance with all Commission Orders relative to the NUSF in order to be eligible to receive NUSF funding.

004.02(C) ADDITIONAL CRITERIA. The Commission may impose, on an interim basis, such requirements as it deems reasonably necessary to carry out the goals of the NUSF until such time as a rulemaking can be completed.

004.02(D) SUPPORTED SERVICES.

004.02(D)(i) BASIC LOCAL EXCHANGE SERVICE. Basic local exchange service, for purposes of receiving NUSF high-cost program support, consists of.

004.02(D)(i)(a). Single party service or the functional equivalent within a support area for which an NETC is receiving support, including a block of calling time within a Commission approved local exchange area, for which there are no per-minute or additional charges, that has been approved by Commission order. This does not include extended area service(s).

004.02(D)(i)(b). Dual tone multi-frequency signaling or the functional equivalent;

004.02(D)(i)(c). A standard “white page” or alpha directory listing at the customer’s option;

004.02(D)(i)(d). Access to directory assistance services;

004.02(D)(i)(e). Equal access to interexchange services;

004.02(D)(i)(f). Access to emergency 911 or Enhanced 911 services;

004.02(D)(i)(g). Access to operator services;

004.02(D)(i)(h). Toll blocking for qualifying low-income users.

004.02(D)(ii) OTHER SERVICES. The Commission may, on an interim basis, designate an additional supported telecommunications service by order until such time as a rulemaking can be completed.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

004.02(E) REQUIRED INFORMATION. A telecommunications company shall submit information as reasonably required by the Director for the purpose of calculating NUSF high-cost program support. Such information shall be due within 60 days from the date of such request or the date determined by the Director, whichever is later.

004.02(F) USE OF NUSF FUNDING. NUSF funding shall be used by telecommunications companies solely for the provision, maintenance and upgrading of facilities and services for which support is intended.

004.02(F)(i) DEMONSTRATION OF USE OF NUSF HIGH-COST SUPPORT REQUIRED. A telecommunications company that receives NUSF high-cost program support from the high-cost program shall be required to file by June 1 of each year information detailing prior year historical investments and information estimating one year prospective investments by Nebraska wire center or county.

004.02(F)(ii). A telecommunications company that receives funding from the NUSF high-cost program shall file other information regarding the use of high-cost program support as required by order of the Commission.

004.02(F)(iii). A non-rural telecommunications company that receives funding from the federal high-cost program shall file no later than September 1 each year a description of its rates charged in urban and rural areas so that the Commission may assess and certify to the Federal Communications Commission the comparability of Nebraska rates to rates nationwide.

004.02(G) ELIGIBILITY OF SUPPORT FOR THE HIGH-COST PROGRAM. High-cost support will be authorized for one facilities-based NETC in a given support area.

004.02(G)(i). A company may petition the Commission to re-place the eligible telecommunications company receiving NUSF high-cost program support. The petitioner shall provide the following:

004.02(G)(i)(a). The cost to provide the supported services;

004.02(G)(i)(b). An estimate of the amount of NUSF high-cost program support needed in the area;

004.02(G)(i)(c). Benefits to consumers;

004.02(G)(i)(d). The supported services provided in unserved areas;

004.02(G)(i)(e). A demonstration that the quality of service provided would equal the existing service or be better than service provided;

004.02(G)(i)(f). A statement that the petitioner will adopt existing interconnection agreements for the support area; and,

004.02(G)(i)(g). Specific demonstration and documentation of the ability of the petitioner to offer service to everyone on its own network.

004.02(G)(ii). If a competitive telecommunications carrier replaces the incumbent

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

telecommunications carrier as provided in section 004.02(G)1 any carrier of last resort obligations shall be transferred to the competitive telecommunications carrier and the incumbent carrier not receiving high-cost support shall no longer have carrier of last resort obligations.

004.02(H). Rule 004.02(G) does not apply to competitive NETCs serving users through the leasing of facilities such as unbundled network elements and authorized to receive NUSF high-cost pro-gram support by Commission Order.

004.02(I). After notice and an opportunity for hearing has been provided, the Director may withhold or reduce NUSF high-cost support distributions to a carrier found to be in violation of a rule, regulation or Commission order.

004.02(J) AUDIT REQUIREMENTS. Companies receiving NUSF high-cost program support shall comply with any audit requirements set forth by the Commission.

004.03 TELEHEALTH PROGRAM.

004.03(A) USAGE. All lines that receive NUSF support shall be used solely for the provision of healthcare.

004.03(B) ELIGIBLE SERVICES AND EQUIPMENT. Eligible services and equipment shall be determined by Commission Order.

004.03(C) FEDERAL FUNDING. Hospitals shall first avail them-selves of federal funding and other state and federal resources as a precondition of receiving NUSF support. NUSF support shall be considered supplemental and secondary to the receipt of federal funding.

004.03(D) ANNUAL FUNDING MAXIMUM. NUSF support for the Tele-health Program per calendar year shall be determined by Commission Order and is contingent upon funds being available.

004.03(E) APPROVED TELEHEALTH SUPPORT. Support is determined by the Commission approved Telehealth Plan which specifically sets forth a list of hospitals, connection charges and other approved charges eligible for support.

004.03(E)(i) TELEHEALTH PLAN ADJUSTMENTS. Any requests to adjust the Telehealth Plan are to be filed in writing with the Director.

004.03(E)(i)(a) REVIEW OF REQUESTS. The Director will review any requests for adjustments to the Telehealth Plan and will make a recommendation to the Commission at a public meeting of the Commission. The Commission will determine whether to approve or deny the recommendation of the Director.

004.03(E)(i)(b) MOTION FOR RECONSIDERATION. A motion for reconsideration may be filed with the Commission within 10 days from the date of Commission action.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

004.03(F) CALCULATION OF SUPPORT. All appropriate forms, containing accurate information, and invoice copies shall be provided to the Commission for funding to be calculated and released.

004.03(F)(i) SUPPORT SCHEDULE. Support will be based on a support schedule issued by the Commission and shall not exceed the amount approved in the Commission approved Telehealth Plan.

004.03(F)(i)(a) REASONABLE PORTIONS. NUSF support will be contingent on the rural hospitals being responsible for paying a portion of their costs for connectivity. The Commission will determine the hospital's portion of connectivity costs by Order.

004.03(F)(ii) PAYMENT OF SUPPORT. Support for the Tele-health Program will be disbursed to the Nebraska Eligible Telecommunications Carrier (NETC) providing the service to the hospital.

004.03(F)(iii) CHANGES TO SERVICE. The hospital and/or hospital network shall notify the Commission when any service is changed or terminated, so that support amounts can be modified accordingly.

004.03G PROXY STATEMENT. If the submission of reimbursement requests are being made by a non-rural hub hospital on behalf of its endpoint rural hospital; a statement from each of the hospitals shall be provided to the Commission documenting their agreement to that arrangement.

004.03(H) DISCONNECTION AND LATE FEES. A NETC providing tele-health services shall not disconnect or assess late fees on hospital accounts.

004.03(I) AUDIT REQUIREMENTS. Companies receiving telehealth funding shall comply with any audit requirements set forth by the Commission.

004.04 Nebraska Telephone Assistance Program (NTAP).

004.04(A) ELIGIBILITY AND SUPPORT. Telecommunications companies receiving a designation to be an ETC for the purpose of receiving federal universal service support shall also be required to participate in the NTAP and shall be eligible to receive NTAP support.

004.04(B). A telecommunications company offering Lifeline service shall comply with section 006 and Commission Orders relating to NTAP for continued eligibility for support.

004.05 WIRELESS PROGRAM.

004.05(A) ELIGIBILITY AND SUPPORT. Eligibility for the wireless program shall be determined by Commission Order.

004.05(B). A telecommunications company that receives NUSF support from the wireless program shall be required to file by June 1 of each year information detailing prior year historical investments, information estimating one year prospective investments by Nebraska wire center or county.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

004.05(C). A wireless telecommunications company that receives federal high-cost support shall file information to demonstrate the use of high-cost funding as required by Commission Order.

004.05(D). A wireless telecommunications company that receives NUSF funding shall not be subject to the same obligations of an NETC receiving high-cost support. Obligations of a wireless carrier receiving NUSF funding may be determined by the Commission on a case-by-case basis and shall be designated by the Commission in an Order.

004.06 PAYMENT PROCEDURES. NUSF payments to an NETC will be made on a monthly basis and will be processed prior to the last state business day of the month.

004.07 AUDIT REQUIREMENTS. A telecommunications company that receives NUSF funding shall have an independent third party perform, and attest to the validity of, an audit pursuant to the requirements in this Rule.

004.07(A) PROVIDED INFORMATION. All information provided pursuant to Rule 004.02(E) shall be audited.

004.07(B) ANNUAL AUDIT. A telecommunications company that receives NUSF funding shall perform an audit pursuant to this section on an annual basis, except as provided in Rule.

004.07(C). The results of each annual audit shall be provided to the Department before the end of the next calendar year following the audit period.

004.07(C) TRI-ANNUAL AUDIT. A telecommunications company that receives NUSF funding, and does not conduct an annual third party audit in the ordinary course of its business, may elect to perform an independent third party audit pursuant to this Rule once per three-year period. The results of each tri-annual audit shall be provided to the Department by the end of each year that is evenly divided by three.

004.08 PAYMENT CALCULATION.

004.08(A) FUNDING MECHANISM. The calculation of NUSF funding shall be determined by a funding mechanism set forth in a Commission Order.

004.08(B) ANNUAL DETERMINATION OF FUNDING. On an annual basis, the Director shall recommend to the Commission the amount of funding available to be disbursed through the high-cost program, the NTAP program, wireless program and the Telehealth Program.

004.08(C) ADJUSTMENTS. The Director may make adjustments to funding amounts disbursed to eligible telecommunications companies based on earnings information, investment information, amounts constituting inputs to the benchmark, census information, user count information and other information relevant to the Commission's distribution mechanism when consistent with Commission decisions. The Director may also make adjustments to correct clerical and administrative errors in the disbursement of funding.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

004.08(C)(i). An NETC affected by a rule 004.08C adjustment may file a Request for Review with the Commission within thirty (30) days of the adjustment if the NETC disputes the adjustment or calculation made by the Director.

005 ACCESS PASS-THROUGH.

005.01 REQUIRED PASS-THROUGH. A telecommunications company that receives a reduction in charges for access services ordered by the Commission pursuant to Neb. Rev. Stat. Section 86-140 shall pass on said reductions fully to its users. This reduction shall be passed through to users in a fair and reasonable manner.

005.02 COMPANIES REQUIRED TO DEMONSTRATE PASS-THROUGH. The Commission, at its discretion, may require a telecommunications company to demonstrate that reductions in access charges have been passed through pursuant to Rule 005.01.

005.03 DEMONSTRATION OF PASS-THROUGH. A telecommunications company that is required to demonstrate compliance with Rule 005.01 pursuant to Rule 005.02 shall demonstrate such compliance in accordance with a consistent set of data in a manner acceptable to the Commission.

005.03(A) SUBMISSION OF INFORMATION. Information to demonstrate compliance with Rule 005.01 shall be submitted within 60 days of receiving notice from the Commission or by the date specified by the Commission, whichever is later.

006 NEBRASKA TELEPHONE ASSISTANCE PROGRAM (NTAP).

006.01 GENERAL.

006.01(A) NTAP NUMBER. NTAP Number shall mean the numeral assigned to an NTAP applicant filed by the Department.

006.01(B) NTAP NUMBER REQUIREMENT. A telecommunications company shall only provide Lifeline and Linkup discounts to those users that have an assigned NTAP Number.

006.01(C) MONTHLY REPORTING. A telecommunications company offering discounts shall report to the Department on a monthly basis information regarding Lifeline discount recipients in the manner set forth by the Department.

006.01(D) AUDIT REQUIREMENTS. Any company receiving NTAP support shall comply with any audit requirements set forth by the Commission.

006.02 LIFELINE SERVICE PROGRAM.

006.02(A) DEFINED. Lifeline service shall mean the offering of a recurring service defined by Commission Order, at a reduced rate to qualifying users.

006.02(B) REDUCTION IN RATES. Telecommunications companies that offer Lifeline service shall offer such service at the reduced rates specified by Order of the Commission.

006.02(B)(i). Companies that offer Lifeline service shall apply any appropriate credits for a qualifying user in accordance with the eligibility date as provided by the

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

Department.

006.02(B)(ii). Companies that offer Lifeline service shall apply any appropriate credits or removal of credits onto the user's account within sixty (60) days of receiving notice from the Department.

006.02(B)(iii). Qualifying users may receive the Lifeline credit on only the primary residential line per household.

006.02(C) REQUIREMENT TO OFFER SERVICE. In cases where a qualifying user has a past due balance, a telecommunications company shall provide Lifeline services to that user as long as said user is making monthly payments towards any past due amounts.

006.02(D) LIMITATION/BLOCKING SERVICE. Telecommunications companies that offer Lifeline service shall offer such service(s), if service is available, to all qualifying users at the time such persons subscribe to Lifeline service.

006.02(D)(i). Companies that offer limitation/blocking service shall not charge Lifeline users for receiving said service if reasonable reimbursement is available as defined by Commission Order.

006.02(E) SERVICE DEPOSITS. Telecommunications companies that offer Lifeline service shall not collect a service deposit to initiate Lifeline service, if the qualifying user voluntarily elects toll blocking from the company, if available.

006.02(E)(i). If toll blocking is unavailable, the telecommunications company may collect a service deposit.

006.02(E)(ii). If a qualifying user has a past due amount, the telecommunications company may not collect a service deposit if the user is making reasonable monthly payments towards any past due amounts.

006.02(F) DISCONNECTION.

006.02(F)(i). Telecommunications companies that offer Lifeline service shall not disconnect a qualifying user for non-payment of charges not directly a part of the Lifeline service if limitation/blocking services are available, unless granted a written waiver by the Commission for a specific user.

006.02(F)(i)(a). Upon reasonable notice, a telecommunications company may block a qualifying user's access to toll services and other services not directly a part of the Lifeline service, for non-payment.

006.02(F)(ii). Telecommunications companies that offer Lifeline service shall not disconnect a qualifying user for non-payment until 60 days after all Lifeline and Link-Up credits due for a particular billing period have been fully applied to any billed amounts for which the qualifying user has not made full and complete payment.

006.02(F)(iii). In cases where a qualifying user has been disconnected for more than six (6) months, a telecommunications company shall obtain verification of continued eligibility from the Department before re-applying the Lifeline service to the qualifying

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

user's account.

006.02(F)(iii)(a). A qualifying user shall be considered disconnected if said user is not receiving Lifeline service from any company that offers Lifeline service.

006.03 LINK-UP PROGRAM.

006.03(A) DEFINED. Link-Up service shall mean a reduction in the telecommunications company's customary charge for commencing Lifeline service for a single connection at a user's principal place of residence.

006.03(B) REDUCTION. The Link-Up reduction shall be either half of the amount of connection charges or thirty dollars (\$30), whichever is less.

006.03(C) DEFERRED PAYMENT SCHEDULE. A telecommunications company that offers Link-Up service shall offer a deferred schedule of payment for connection charges, for which the user does not pay interest. Charges of up to two hundred dollars (\$200) may be deferred for a period not to exceed one year.

006.03(D). Qualifying users may receive the Link-Up credit on only the primary residential line per household.

006.03(E) SUBSEQUENT BENEFITS. Telecommunications companies that offer Link-Up service shall allow a user to receive the benefit of the Link-Up program for a second or subsequent time only for a principal place of residence with an address different from the residence at which the Link-Up assistance was previously provided.

006.04 QUALIFICATIONS.

006.04(A) PROGRAMS. To qualify for the Lifeline and/or Link-Up programs, a user shall be eligible to receive aid from at least one of the following.

- (1) Medicaid;
- (2) Food Stamps;
- (3) Supplemental Security Income (SSI);
- (4) Federal Public Housing Assistance;
- (5) Low Income Home Energy Assistance Program (LIHEAP); or
- (6) Children's Health Insurance Programs (SAM, MAC, E-MAC, and Kids Connection), as the financially responsible adult.

006.04(A)(i). The Commission may, on an interim basis, designate additional low-income eligibility criteria by order until such time as a rulemaking can be completed.

006.04(B) USERNAME. The user that receives aid from a program listed in Rule 006.04A shall have his or her name on the account with the telecommunications company in order to qualify to receive support from the Lifeline and/or Link-Up programs, unless granted a waiver by the Commission for a specific user.

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

006.05 REQUIREMENTS TO OFFER.

006.05(A). All NETCs designated by the Commission for the purposes of receiving support from the NUSF shall be required to offer Lifeline and Link-Up services to qualifying users.

006.05(B). The Commission may, at its discretion require, upon notice and hearing, a telecommunications company to provide Lifeline and Link-Up services to qualifying users.

006.06 REPORTING REQUIREMENTS.

006.06(A). In cases where the Department requests information regarding a qualifying user's account, the company providing service shall provide all information requested by the Department.

006.06(A)(i). The Department shall treat all user account information provided by the company as confidential to the extent required or authorized by state or federal law.

006.06(B). Any telecommunications company shall comply with all reporting requirements of the Commission.

006.06(B)(i). Telecommunications companies shall comply with reporting requirements in the manner prescribed by the Department.

006.07 DIRECTORY. Telecommunications companies that offer NTAP and telephone directory services shall provide printed information describing such programs in telephone directories.

006.07(A) REQUIRED INFORMATION. The information listed in telephone directories shall contain information on the following.

- (1) Voluntary toll blocking; and
- (2) Availability of reduced deposits.

006.07(B) DIRECTORY INDEX. If the telephone directory provided by a telecommunications company that offers Lifeline and/or Link-Up services contains an index, a reference to the information regarding such services shall be listed in the index.

006.08 ADVERTISING. Telecommunications companies that offer NTAP services shall advertise the availability of such services through a bill insert or prominent bill message on an annual basis.

006.09 NOTIFICATION. Telecommunications companies that offer Lifeline service shall inform all qualifying users at the time said persons subscribe to Lifeline service that credits due may not appear on their initial bills and that service will only be disconnected in accordance with Rule 006.02(F).

007 ADMINISTRATIVE PENALTIES.

007.01 VIOLATION OF RULES. A company not in compliance with Neb. Rev. Stat. Sections 86-316 to 86-329 or the rules and regulations adopted and promulgated thereunder may be subject to civil penalties as provided in Title 291, Chapter 1, Section 027 of the Rules of

NEBRASKA ADMINISTRATIVE CODE
TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION
CHAPTER 10 – NEBRASKA UNIVERSAL SERVICE FUND RULES AND REGULATIONS

Commission Procedure.

007.02 REFUSAL TO PAY AN ADMINISTRATIVE FINE. A company that refuses or fails to pay an administrative fine within sixty (60) days from the date the fine is imposed shall be subject to Rule 007.04.

007.03 REPEAT VIOLATIONS. A telecommunications company that repeatedly violates the NUSF Rules shall be subject to Rule 007.04.

007.04 SHOW CAUSE ORDER. A telecommunications company that is in violation of Rule 007.02 or 007.03 shall be subject to a Show Cause Order filed pursuant to the Rules of Commission Procedure and the following penalties may be imposed on such company.

007.04(A) CERTIFICATED OR PERMITTED TELECOMMUNICATIONS COMPANY. A telecommunications company that holds a Certificate of Public Convenience and Necessity or a permit granted by the Commission may have such certificate or permit revoked.

007.04(B) NON-CERTIFICATED OR PERMITTED TELECOMMUNICATIONS COMPANY. A telecommunications company that does not hold a Certificate of Public Convenience and Necessity or a permit from the Commission may be ordered to cease and desist from providing telecommunications services in Nebraska intrastate commerce.

007.05 FINE LIMITS. No administrative fine may exceed the limits set forth in the Neb. Rev. Stat. Section 75-156.

007.06 NOTICE. Whenever the Commission seeks to impose an administrative penalty pursuant to Rule 007 due to a violation, the Director or the Commission shall notify such company in writing sent by certified United States mail, return receipt requested, (a) setting forth the date, facts, and nature of each act or omission upon which each charge of a violation is based, (b) specifically identifying the particular statute, certificate, permit, or order violated, (c) that a hearing will be held and the time, date, and place of the hearing, (d) that in addition to the civil penalty provided in Rule 007, that the Commission may enforce additional penalties and relief as provided by law, and (e) that upon failure to pay any civil penalty determined by the Commission, the penalty may be collected by civil action in the District Court of Lancaster County, Nebraska.

007.06(A) WAIVER OF HEARING. Any company that receives notice of a violation of Rule 007 pursuant to Rule 007.06 may waive its right to a hearing and comply with any civil penalties described in said notice. The hearing will be canceled only upon receipt of a written request from the affected company and receipt of any administrative penalties that are due.