

**Before the
NEBRASKA PUBLIC SERVICE COMMISSION**

In the Matter of the Nebraska Public Service)
Commission, on its own motion, to consider)
appropriate modifications to the high-cost) Application No. NUSF-139
distribution and reporting mechanisms in its)
Universal Service Fund program in light of)
federal and state infrastructure grants.)

INITIAL COMMENTS OF CTIA

CTIA¹ respectfully submits the following comments in response to the Nebraska Public Service Commission’s (“Commission’s”) August 29, 2023 Order Opening Docket Seeking Comment and Setting Hearing in the present proceeding (“Order”).²

CTIA strongly supports the Commission’s decision to investigate all aspects of the Nebraska Universal Service Fund (“NUSF”) holistically in this proceeding. In light of the major shifts in the telecommunications marketplace over the past two decades, and the massive amount of federal funding being currently allocated for broadband deployment, it is wholly appropriate to reassess the overarching goals and objectives of the NUSF, and whether the Commission’s current policies and regulations will help Nebraska meet those goals.

Given the Commission’s stated intent to take a top-down look at the NUSF, any short-term changes to the NUSF at this time should be limited in scope to ensure continued

¹ CTIA – The Wireless Association (“CTIA”) (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, and suppliers as well as app and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

² Per the Order, CTIA’s Initial Comments are largely limited to issues contained in Part II.A of the Order. CTIA intends to address the remaining issues raised by the Order at both the October 24th hearing in this proceeding as well as in the further comments due November 17th.

functionality until a comprehensive record has been compiled that the Commission can use to guide further action.

With regard to the immediate issues caused by the Federal Communications Commission's ("FCC's") discontinuation of Form 477 data collection, the Commission should replace it with the FCC's broadband data collection ("BDC") data as needed, while minimizing changes to the NUSF regulations until this proceeding is complete.

I. THE COMMISSION SHOULD MINIMIZE SUBSTANTIVE CHANGES TO THE NUSF PROGRAM UNTIL THIS PROCEEDING'S INVESTIGATION IS COMPLETE

In Part II.A of the Order, the Commission identifies the issue of the NUSF's reliance on (now discontinued) FCC Form 477 data as a problem that needs to be accounted for immediately.³ The Commission should limit its action at this time to addressing that issue and leave any other issues until a more comprehensive NUSF plan can be developed, guided by the record in this proceeding.

In order to make informed decisions about the future of the NUSF programs that advance the Commission's goals and objectives for universal service, the Commission must first establish those goals, informed by stakeholder feedback. The Commission can then make policy decisions and amend its regulations in the most prudent manner. Over the next decade, Nebraska will see significant broadband deployment funded by the federal BEAD program, over \$405 million of which has been allocated to the State. By year's end, Nebraska will have submitted its Initial Proposal for BEAD grants to the NTIA. The allocation of BEAD grants will have a significant impact on the need for, and use of, NUSF funding – further reason why substantive decisions should not be made until a comprehensive record has been compiled.

³ Order at 6.

In Part II.B of the Order, the Commission does an excellent job identifying many of the myriad issues that will need to be considered to address NUSF reform. Per the Order, those issues will be the subject of both a public hearing and a later round of comments in this proceeding.⁴ Accordingly, the Commission should aim to minimize substantive changes to the NUSF at this time, waiting instead until after this proceeding's investigation is complete to propose more comprehensive rule amendments.

II. THE COMMISSION SHOULD SUBSTITUTE THE FCC'S BDC DATA IN PLACE OF THE DISCONTINUED FORM 477 DATA TO DETERMINE NUSF SUPPORT DURING THE PENDENCY OF THIS PROCEEDING

As it pertains to the immediate changes necessary to the NUSF rules as a result of the discontinuation of the FCC's Form 477 data collection, the Commission should – consistent with the discussion in Section I of these comments – seek to minimize the scope of such changes.

In particular, the Commission inquires in Part II.A of the Order about potential immediate changes to the Commission's challenge process and/or speed thresholds for "served" areas.⁵ There does not, however, appear to be an immediate need, or support in the present record, to make such changes. Should the record of this proceeding, once compiled, demonstrate that the Commission should revisit the issues, it can do so as part of its more comprehensive NUSF reforms.

The only time-sensitive issue that the Commission needs to act on is replacing the Form 477 data. The Commission's proposal to use FCC BDC data as a substitute for the purpose of determining high-cost support distributions is an appropriate one. The Commission should not, however, require carriers to make a duplicate submission of their broadband availability data to the Commission at the same time that they are filing that data with the FCC. Such a requirement

⁴ Order at 28.

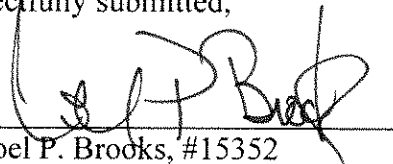
⁵ Order at 7.

would be inefficient and provide little to no benefit to justify this inefficiency given that the FCC will make this information publicly available in November anyway.

III. CONCLUSION

CTIA appreciates the Commission’s decision to take a comprehensive look at issues surrounding the Nebraska USF, and looks forward to working with the Commission and stakeholders toward developing a set of goals and objectives for universal service in Nebraska in the next phase of this proceeding.

Respectfully submitted,

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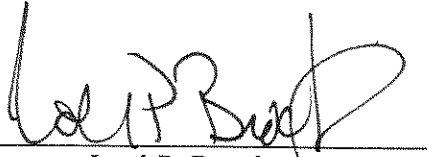
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of September, 2023, one electronic copy of the Comments of CTIA – The Wireless Association in Application No. NUSF-139 were emailed to the Nebraska Public Service Commission, to the following:

psc.nusf-filings@nebraska.gov



Loel P. Brooks