

**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION  
COMMENTS OF CTIA ON PROGRESSION ORDER NO. 12**

In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program	)	Application No. NUSF-2
	)	
	)	
	)	
	)	

**COMMENTS OF CTIA ON PROGRESSION ORDER NO. 12**

CTIA<sup>1</sup> respectfully submits these Comments in response to the Nebraska Public Service Commission’s (“Commission’s”) Order Seeking Comments in the above-captioned proceeding entered July 21, 2021.<sup>2</sup>

**I. INTRODUCTION AND SUMMARY**

In the Progression Order, the Commission states that this proceeding “will focus on [its] continued commitment to ensure that Nebraskans have affordable access to voice services across the state as federal subsidies for voice services decline or are eliminated entirely.”<sup>3</sup> CTIA and Nebraska’s mobile wireless providers share this commitment, and are proud to play a role in ensuring that all Nebraskans have affordable access to voice services.

There are significant reasons, however, why it would be premature at this stage to consider whether additional Nebraska Universal Service Fund (“NUSF”) support is needed to ensure that Nebraskans retain access to affordable voice services. For one, the Federal

---

<sup>1</sup> CTIA – The Wireless Association® (CTIA) ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21<sup>st</sup>-century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps 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.

<sup>2</sup> *In the Matter of the Nebraska Public Service Commission, on its Own Motion, to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements*, Order Opening Docket and Seeking Comment, Application No. NUSF-108 (“Progression Order”) (Apr. 21, 2021).

<sup>3</sup> *Id.* at 2.

Communication Commission (“FCC”) is currently considering whether to reconsider its 2016 decision to phase out federal Lifeline voice support. And, in any event, much of Nebraska will retain federal support for voice services under current FCC rules. Another important factor bearing on these issues is that low-income consumers in Nebraska can use the federal Emergency Broadband Benefit (“EBB”) subsidy for bundled plans that include voice service, and Congress may be poised to extend that program.

Given all of these considerations, CTIA urges the Commission to suspend consideration of this issue until greater clarity emerges regarding the extent of federal support for voice services. This will allow the Commission to ensure NUSF funds are leveraged in the most effective way to benefit Nebraska consumers.

## **II. DISCUSSION**

The Commission deserves significant recognition for its efforts to ensure that all Nebraskans remain connected to voice services. CTIA and its members are equally committed to ensuring that voice services remain affordable to all wireless customers, and have led the way in providing high-quality, low-cost voice service to wireless consumers, including Lifeline customers. However, it would be premature at this point, for multiple reasons discussed below, to consider whether additional NUSF support is needed to advance that goal – let alone to consider the complex, related questions raised in the Progression Order.

First, the status of the federal Lifeline phase-out is unclear. While in 2016 the FCC decided to phase down Lifeline voice support and ultimately eliminate such support by December 1, 2021,<sup>4</sup> the agency recently restarted a proceeding to consider whether this phase-

---

<sup>4</sup> See *Lifeline Link Up and Reform and Modernization et al.*, FCC WC Docket No. 11-42, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3692 (2016) (“2016 Lifeline Order”).

out should be reversed or modified.<sup>5</sup> The record in that proceeding shows broad support across all stakeholders – including advocates for low-income consumers, Lifeline providers, and other communications companies – for restoring federal Lifeline support for voice services.<sup>6</sup> In addition to these stakeholders, the State of the Lifeline Marketplace Report, prepared by the FCC’s own Wireline Competition Bureau, concluded that “voice service continue to play an important role for consumers” and “voice services allow subscribers to maintain critical connections to emergency services, often connected through 911 and 988, and other community resources.”<sup>7</sup>

In addition, Lifeline support is no longer the only mechanism helping to ensure that low-income consumers stay connected. The federal EBB subsidy of \$50 per month (\$75 on Tribal Lands) may be applied to bundled plans that include voice service.<sup>8</sup> After four months, \$378 million of the \$3.136 billion appropriated for the EBB has been spent.<sup>9</sup> At this pace, that funding would last into the second quarter of 2023. And the bipartisan Infrastructure Investment and Jobs Act (“IIJA”) would appropriate an additional \$14.2 billion to the program.<sup>10</sup> The IIJA was

---

<sup>5</sup> See *Wireline Competition Bureau Seeks to Refresh the Record on a Petition for Reconsideration Filed by the National Association of State Utility Consumer Advocates*, FCC WC Docket No. 11-42, Public Notice, DA 21-641 (rel. June 1, 2021).

<sup>6</sup> See, e.g., Comments of California Public Utilities Commission, FCC WC Docket No. 11-42 (filed Aug. 2, 2021); Comments of Free Press, FCC WC Docket No. 11-42 (filed Aug. 2, 2021); Comments of National Lifeline Association, FCC WC Docket No. 11-42 (filed Aug. 2, 2021); Comments of NTCA – The Rural Broadband Association, FCC WC Docket No. 11-42 (filed Aug. 2, 2021); Comments of New York State Public Service Commission, WC Docket No. 11-42 (filed Aug. 2, 2021); Comments of Public Service Commission of the District of Columbia, FCC WC Docket No. 11-42 (filed Aug. 2, 2021); Comments of United Church of Christ, OC Inc. & National Consumer Law Center, FCC WC Docket No. 11-42 (filed Aug. 2, 2021).

<sup>7</sup> FCC WIRELINE COMPETITION BUREAU, *Report on the State of the Lifeline Market*, FCC WC Docket No. 09-197 *et al.*, at 22 (June 2021) <https://docs.fcc.gov/public/attachments/DOC-373779A1.pdf> (last visited Sept. 21, 2021).

<sup>8</sup> See 47 C.F.R. § 54.1602(b).

<sup>9</sup> UNIVERSAL SERVICE ADMINISTRATIVE COMPANY, *Emergency Broadband Benefit Program Enrollments and Claims Tracker*, <https://www.usac.org/about/emergency-broadband-benefit-program/emergency-broadband-benefit-program-enrollments-and-claims-tracker/> (last visited Sept. 21, 2021).

<sup>10</sup> See generally Infrastructure Investment and Jobs Act, H.R. 3684, 117th Cong. § 60502 (2021).

passed by the Senate on August 10, 2021, and if passed by the House, this infusion of funding could extend the EBB program for a significant additional period of time.

Finally, even if the FCC proceeds with the phase-out of voice support, the impact on consumers may somewhat be blunted in Nebraska. As the Progression Order rightly observes, federal Lifeline voice support will continue at \$5.25 per month in census blocks with only one eligible telecommunications Carrier (ETC).<sup>11</sup> It appears that, pursuant to this rule, Lifeline voice support will continue at \$5.25 per month in all or portions of approximately 130,000 of the 193,352 census blocks in Nebraska even after December 1, 2021.<sup>12</sup>

In light of all of these pertinent, unresolved issues affecting whether federal Lifeline voice support will be phased out and, if so, what the impact of the phase-out would be on low-income consumers, it is premature for the Commission to consider whether additional NUSF support is needed or, if so, how it should be provided. Without clarity regarding the amount of federal support that will remain available to low-income consumers for voice services, it is premature to consider whether and, if so, how much NUSF support might be brought to bear on the issue.

Given these unresolved questions, the issues raised in the Progression Order regarding verifying customers' eligibility for voice support are premature.<sup>13</sup> To the extent that the Commission considers eligibility verification issues in this proceeding, however, it should seek

---

<sup>11</sup> Progression Order at 1-2.

<sup>12</sup> Cf. Progression Order at 2. Although there are over 193,352 lines associated with Nebraska in the FCC's spreadsheet, census blocks are listed more than once if they lie in more than one zip code because there is an entry in the spreadsheet for each unique zip code and census block combination. FCC, *Wireline Competition Bureau Announces Census Blocks in Which Eligible Lifeline Consumers Can Continue to Receive Discounted Voice-Only Services*, DA 21-640 (Wireline Comp. Bur. rel. June 1, 2021), <https://docs.fcc.gov/public/attachments/DA-21-640A1.pdf>. See also Census Bureau, *Guide to State and Local Census Geography, Nebraska*, at 2, [https://www2.census.gov/geo/pdfs/reference/guidestloc/ne\\_gslcg.pdf](https://www2.census.gov/geo/pdfs/reference/guidestloc/ne_gslcg.pdf).

<sup>13</sup> Progression Order at 4.

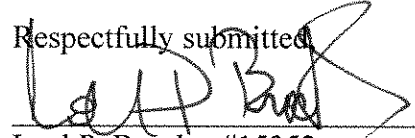
to maximize efficiency and minimize costs. The history of customer eligibility verification in the Lifeline program, and the pitfalls experienced during the rollout of the National Lifeline Eligibility Verifier, demonstrate the significant challenges involved in Lifeline customer eligibility verification.

### III. CONCLUSION

Voice services are crucially important to many low-income consumers, and the Commission is correct to monitor the operation of federal support programs to ensure that low-income consumers wishing to purchase voice services are not impeded from doing so. At this time, however, the impact on voice affordability is uncertain, and the precise contours of any future impact remain undefined. CTIA therefore urges the Commission to suspend consideration of these issues pending greater clarity on crucial factors affecting federal support for voice services for low-income consumers.

Respectfully submitted,

By:

  
Loel P. Brooks, #15352  
Brooks, Pansing Brooks PC, LLO  
1314 O Street, Suite 104  
Lincoln, NE 68508  
402.476.3300  
[lbrooks@brookspanlaw.com](mailto:lbrooks@brookspanlaw.com)

Benjamin Aron  
Matthew DeTura  
**CTIA**  
1400 16<sup>th</sup> Street, NW  
Suite 600  
Washington, DC 20036  
202.736.3683

September 22, 2021

## CERTIFICATE OF SERVICE


I certify that on the 22<sup>nd</sup> day of September, 2021, one paper copy of the Comments of CTIA in Response to Progression Order No. 12 in Application No. NUSF-2 were filed with the Nebraska Public Service Commission by U.S. mail, and a copy was served via electronic mail to the following:

**Cullen Robbins**

Cullen.robbsins@nebraska.gov

**Brandy Zierott**

Brandy.zierott@nebraska.gov



---

Loel P. Brooks