

SEP 21 2021

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION **Nebraska Public Service Commission**

In the Matter of the Nebraska) Application No. NUSF-2,
Public Service Commission, on its) Progression Order No. 12
own Motion, seeking to establish guidelines for)
the administration of the Nebraska Telephone)
Assistance Program.

COMMENTS OF THE NEBRASKA RURAL INDEPENDENT COMPANIES

The Nebraska Rural Independent Companies ("RIC")¹ submit these Comments in response to the Order Seeking Comments entered by the Nebraska Public Service Commission (the "Commission") in this docket on July 27, 2021 (the "Order"). RIC appreciates the opportunity to provide these Comments and looks forward to continuing its participation in this docket regarding the provision of Nebraska Telephone Assistance Program ("NTAP") support for voice-only services offered by Nebraska eligible telecommunications carriers ("NETCs").

General Comments

The COVID-19 pandemic has demonstrated the need for a resilient voice-capable network available to all consumers, who regardless of their income status, should have voice calling capability as a matter of rational and prudent public policy. The need for NTAP support for voice-only services provided by NETCs to Lifeline-eligible consumers should be endorsed by the Commission and funded in a manner that balances this need with the other purposes for which the Nebraska Universal Service Fund ("NUSF") was established.

¹ Arlington Telephone Company, Blair Telephone Company, Consolidated Telephone Company, Consolidated Telco, Inc., Consolidated Telecom, Inc., The Curtis Telephone Company, Eastern Nebraska Telephone Company, Great Plains Communications, LLC, Hamilton Telephone Company, Hartington Telecommunications Co., Inc., Hershey Cooperative Telephone Company, Inc., K & M Telephone Company, Inc., The Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, Sodtown Communications, Inc. and Three River Telco.

Responses to Selected Questions Presented in the Order

1. Should the Commission continue to provide NTAP support for voice-only Lifeline service?

Based upon the General Comments of RIC presented above and subject to RIC's comments in response to the additional questions presented below, RIC supports continued provision of NTAP support for voice-only Lifeline service.

2. What is the appropriate level of NTAP support for voice-only Lifeline service?

In the *Order* the Commission points out that prior to December 1, 2019, the FCC's voice-only Lifeline support was set at \$9.25 per month and that the NTAP's Lifeline discount is set at \$3.50 per month for total support of \$12.75 per month. The Commission also provides information on levels of voice-only Lifeline support in other jurisdictions.²

NTAP is funded through the NUSF, a limited resource that supports several other programs in addition to NTAP. Significantly, NUSF supports the build out of broadband to unserved and underserved locations in Nebraska and provides both ongoing and Broadband Deployment support through the High Cost Program. The Nebraska Legislature has enacted multiple bills in recent years emphasizing the prioritization of providing broadband access to all Nebraskans, regardless of location. At the same time, the Commission continues to recognize the importance of both the Lifeline and the High Cost Programs.

RIC respectfully submits that a rational balancing of the public interest in the Lifeline, High Cost and other current NUSF Programs supports establishment of a revised level of NTAP support for voice-only Lifeline service. The Commission should undertake a cost-benefit analysis as to the

² See *Order* at 3.

appropriate monthly rate and discount for voice-only Lifeline services.³ RIC notes that a rate of \$9.25 would equal the voice-only Lifeline level in Wisconsin and would be at the mid-range for the jurisdictions cited in the *Order*.⁴ Thus, this seems to be a reasonable level of support for the Commission to consider, provided that the FCC does not reconsider the elimination of federal voice-only Lifeline service support.⁵

The Commission also asks whether a different subsidy level should exist for subscribers who have both telephone and internet services? While RIC recognizes the importance of both services to subscribers, RIC also believes that availability of voice-only service is uniquely important, particularly with regard to the subscriber's ability to reach 9-1-1 emergency service providers. Thus, RIC supports maintaining voice-only Lifeline support. This position would mean that were the Commission to establish a \$9.25 support level, an eligible subscriber could qualify for a monthly Federal Lifeline discount of \$9.25 per month for bundled phone and Internet service or would be eligible for \$9.25 per month of NTAP support for voice-only service (again, provided that the FCC does not reconsider its elimination of federal voice-only Lifeline service support).⁶

3. What criteria should be used to verify eligibility for NTAP support, and what process could best be utilized for this verification?

³ See *Order* at footnote 2. If the FCC reinstates its Lifeline support at \$9.25 per month, RIC recommends that the Commission maintains the current Lifeline discount of \$3.50 per month.

⁴ See *Order* at 3.

⁵ In the event that the FCC were to reinstate Federal Lifeline voice-only support at \$9.25 per month, RIC would support continuation of NTAP support for voice-only Lifeline at the current rate of \$3.50 per month.

⁶ Some subscribers may also qualify for the FCC's Emergency Broadband Benefit Program which provides a discount of up to \$50 per month for broadband service to eligible households.

As an initial comment in response to this question, it seems reasonable to expect that the existing eligibility criteria for an individual to qualify for NTAP support would remain in place. RIC has not identified any reason to change these criteria.

However, if it is assumed that the FCC plans to discontinue the availability of the National Lifeline Accountability Database (“NLAD”) for verification of subscriber eligibility, the questions that RIC believes then need to be answered are: (a) what information should a carrier obtain from a Lifeline applicant to establish eligibility for NTAP support; and (b) how can the Commission efficiently verify the accuracy of this information?⁷

The experiences of the Commission and carriers in connection with implementation of the emergency Broadband Adoption Program shortly following the outbreak of the COVID-19 pandemic in 2020 may provide relevant guidance.⁸ In conjunction with the Broadband Adoption Program, and as a condition to carrier receipt of reimbursement for provision of free broadband connectivity to economically disadvantaged subscribers, the Commission required the carrier to obtain subscriber certification of low-income status (waived by the March 24, 2020 modification order) or certification that the subscriber participated in the Supplemental Nutrition Assistance Program, Medicaid, Supplemental Security Income, Federal Public Housing Assistance or Veterans Pension and Survivors Benefits. Carriers seeking Broadband Adoption Program grants were

⁷ To determine how these issues could be resolved, it seems reasonable for the Commission (presuming it has not done so) to contact other state commissions to inquire as to the application and verification processes that have been or are planned to be implemented for participation in other states’ Lifeline programs.

⁸ See *In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Nebraska Universal Service Fund Broadband Program*, Application No. NUSF-92, Progression Order No. 10, Order Opening Grant Window, Mar. 24, 2020; modified by Order Granting Modification Request, May 5, 2020.

required to submit applications certifying the receipt of subscriber certifications of participation in one of the five above-described Federal assistance programs had been obtained. Based upon these certifications, grant support was awarded to the carriers that applied for such support.

RIC believes that the process and procedures implemented in connection with the Broadband Adoption Program, with appropriate modifications specific to the NTAP program, provide a reasonable framework that could be successfully utilized by the Commission in connection with the revisions to the NTAP processes described above.

Conclusion

As stated above, the Rural Independent Companies appreciate the opportunity to provide these Reply Comments in response to the *Order*. RIC looks forward to participation in the hearing in this proceeding.

Dated: September 21, 2021

Arlington Telephone Company, Blair Telephone Company, Consolidated Telephone Company, Consolidated Telco, Inc., Consolidated Telecom, Inc., The Curtis Telephone Company, Eastern Nebraska Telephone Company, Great Plains Communications, LLC., Hamilton Telephone Company, Hartington Telecommunications Co., Inc., Hershey Cooperative Telephone Company, Inc., K & M Telephone Company, Inc., The Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, Sodtown Communications, Inc. and Three River Telco (the "Rural Independent Companies")

By: Paul M. Schudel

Paul M. Schudel, NE Bar No. 13723

pschudel@woodsaitken.com

WOODS & AITKEN LLP

301 South 13th Street, Suite 500

Lincoln, Nebraska 68508

Telephone (402) 437-8500

Facsimile (402) 437-8558

Thomas J. Moorman

tmoorman@woodsaitken.com

WOODS & AITKEN LLP

5335 Wisconsin Ave., N.W., Suite 950

Washington, D.C. 20015

Telephone (202) 944-9502

Facsimile (202) 944-9501

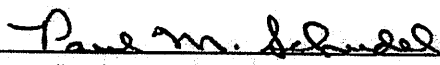
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 21st day of September 2021, an electronic copy and one paper copy of the foregoing pleading were delivered to:

Nebraska Public Service Commission

Cullen.Robbins@nebraska.gov

Brandy.Zierott@nebraska.gov



Paul M. Schudel