

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own Motion to consider revisions to the Universal Service Fund Contribution Methodology.) Application No. NUSF-100/PI-193

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POST-HEARING COMMENTS OF NE COLORADO CELLULAR, INC., D/B/A VIAERO WIRELESS Nebraska Public Service Commission

I. INTRODUCTION

NE Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero") is pleased to submit these Post-Hearing Comments to the Nebraska Public Service Commission ("Commission") in response to the Commission's Bench Order following the Hearing on August 30, 2017 to allow additional Post-Hearing comments in response to certain "rebuttal" Testimony provided by witnesses supporting a per-connection based contribution mechanism.

In furtherance of the Commission's continuing evaluation of an appropriate NUSF contribution mechanism, Viaero is pleased to offer the following Post-Hearing Comments to the Commission.

COMMENTS

- 1. Uncertainty that Connections-Based Contribution Mechanism would Create a More Equitable, Sustainable or Predictable Contribution Mechanism. Testimony and other evidence presented to the Commission demonstrates that there is great uncertainty that a connections-based contribution mechanism would in fact create a more equitable, sustainable, or predictable contribution mechanism than continued reliance on intrastate telecommunications revenue. Evidence in the record does not support a conclusion that future revenue collections will continue to decline, therefore, assertions that there is an urgent need to change the current methodology seem speculative and premature.

2. **Switching to a Connections-Based Methodology will not Alter Total NUSF Remittances.** Clearly, switching from a revenue-based contribution methodology to a connections-based methodology will not alter the total NUSF remittances that Nebraska consumers will be charged, rather it will simply shift the burden among consumers in different ways.
3. **Connections-Based Methodology will Impose the Same Charge on All Customers.** A connections-based methodology will impose the same charge on all customers, regardless of usage, which will result in a regressive surcharge system that will harm low-income consumers and impede customers from controlling their usage and spending.
4. **Connections-Based Methodology May Not be Consistent with FCC Rules and Regulations.** Viaero continues to note with approval that the Commission is not proposing to assess broadband service in its assessment base, but the technological structure of a connections-based methodology reveals certain interstate factors, which if assessed, may run afoul of settled and emerging FCC rules and regulations prohibiting assessment of interstate services.
5. **Period of Transition.** Viaero remains concerned that the implementation of a new contribution methodology will require a significant period of transition for the industry as well as the regulatory bodies involved. A connections-based methodology will require new data collection and reporting requirements and systems by the industry, and new analytical mechanisms and audit processes for new government compliance responsibilities. The time and expense to all stakeholders to implement a new contribution mechanism will be significant, with some estimates suggesting 18 to 24

months¹, therefore it is very important to ensure that our state's efforts will be consistent with emerging national policies so that local efforts and investments will not be wasted through unnecessary duplication of regulatory compliance requirements.

CONCLUSION

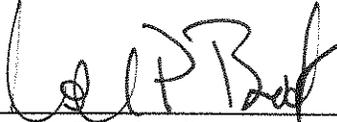
Based on the foregoing, Viaero urges the Commission to act prudently and cautiously about the real need to implement a new contribution methodology in the absence of convincing evidence that such new methodology is or will be legal, equitable, efficient, predictable and sustainable and that it will generate, simply by virtue of the "nature" of the methodology, "new" revenue for the NUSF that could not be generated under the current methodology if so desired. The NUSF budget, whatever it is determined to be, will ultimately come from the same consumers, in any event.

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¹ See *Universal Service Contribution Methodology*, WC Docket No. 06-122, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Further Notice of Proposed Rulemaking*, FCC 12-46, pp. 80-82 (April 30, 2012), summary published in 77 Fed. Reg. 33896 (June 7, 2012) ("*Contribution Methodology Reform and Modernization Further Notice*" or simply, "*Further Notice*") at 2 (the "**Contribution Order**").

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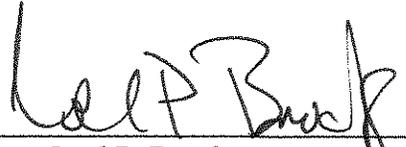
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of September, 2017, one original, five copies and an electronic copy of Viaero's Post-Hearing Comments were delivered to the following:

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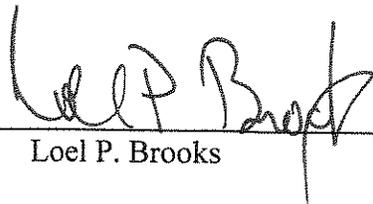
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