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April 10, 2020

Nebraska Public Service Commission
1200 N Street; 300 The Atrium
Lincoln, NE 68508

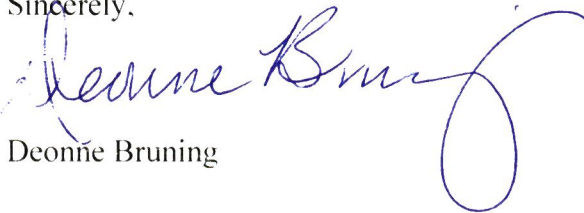
RE: NUSF-117 Reply Comments

To Whom It May Concern,

Please find enclosed the Reply Comments of Cox Nebraska Telecom, LLC in Application No. NUSF-117. Also enclosed is a copy of the Reply Comments, along with a self-addressed, stamped envelope. Could you please date-stamp the copy and mail it to me in the enclosed envelope? An electronic copy of the Reply Comments will be served on the Commission and interested parties on April 14, 2020.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,



Deonne Bruning

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public)	Application No. NUSF-117
Service Commission, on its own motion,)	
to consider implementing a program to)	
incentivize new fiber construction for)	
E-Rate eligible entities.)	

REPLY COMMENTS OF COX NEBRASKA TELCOM, LLC

Cox Nebraska Telcom, LLC (“Cox”) hereby files these comments for the Nebraska Public Service Commission’s (“Commission”) consideration in the above-captioned docket, NUSF-117. These comments are being filed pursuant to the Commission Order entered March 3, 2020.

I. Eligible Telecommunications Carrier (“ETC”) Status

As stated in previously-filed comments, Cox is a participant in the federal E-rate library program in several states, including Nebraska. Cox is not an Eligible Telecommunications Carrier (“ETC”), as the federal E-rate program does not impose such a requirement. However, the Commission Order entered herein March 3, 2020 proposes the creation of this standard for Nebraska.

Cox continues to maintain ETC status should not be imposed when it is not a requirement for participation in the federal program, and this state program will be explicitly interwoven with federal E-rate support. A Nebraska ETC requirement will limit libraries’ choices of high-quality, affordable carriers, like Cox, unless carriers have gone through the process and expense of obtaining ETC designation.

However, if the Commission requires NETC status, Cox urges the Commission to make it a requirement for the sole purpose of participation in the E-Rate Special Construction Library program, like the option that has been afforded in the Lifeline and

Telehealth programs. Cox further advocates that a library designation process not replicate the practice used to obtain NETC eligibility for NUSF high-cost support which involves a filing fee, an application, subsequent publication and a potential hearing. This level of involvement and uncertainty of receiving approval will undoubtedly deter some carriers from seeking NETC status, which of course ultimately limits libraries' options of service providers.

The federal E-rate program requires providers to obtain a Service Provider Identification Number which supplies basic identity and contact information, akin to a registration requirement. The Commission could deem all carriers eligible that have obtained a Service Provider Identification Number as an NETC. This would not impose an administrative burden or economic barrier for carriers who are interested in bidding on Nebraska library projects. Furthermore, this designation could be narrowly crafted so that the ETC authority was limited solely to the provision of E-rate special library services for new fiber construction, and that ongoing compliance with the federal E-rate Special Library services rules was required.

In 2003, the Commission addressed the issue of designating eligibility for Telehealth services in Application NUSF-35, PI-69.¹ In that Order, the Commission found all presently certificated local exchange and interexchange carriers as eligible providers for the purpose of receiving Telehealth support.² The Commission considered that designation separate and unique from ETC carriers that receive high cost support. For local exchange carriers and interexchange carriers that would be granted a certificate

¹ *In the Matter of the Nebraska Public Service Commission seeking to determine Nebraska Eligible Telecommunications Carrier status for the purposes of receiving state universal service support for providing Lifeline/Link-up services and Telehealth services to rural hospitals*, Application No. NUSF-35, PI-69, Findings and Conclusions, Order entered April 29, 2003.

² *Id.*

of authority in the future, the Commission deemed those new entrants automatically eligible for participation in and the receipt of support for participation in the state rural Telehealth program.

If the Commission decides to require ETC status for the library program, it should create a NETC designation process that is as equally straightforward and administratively simple as it did in the Telehealth program. Relevant paperwork indicating the carrier's Service Provider Identification Number, along with an affidavit could be required from a provider making the process administratively efficient while still meeting the overall objective of designating ETCs.

Since an ETC requirement has not been deemed necessary in the federal E-rate program, implementing burdensome and time-consuming ETC procedures at the state level are not only unwarranted, but are irrelevant in that they contain requirements applicable to voice services, such as providing a white page listing, directory assistance and operator services. The Commission pointed out in NUSF-35, PI-39 when streamlining the ETC designation process for Lifeline purposes, low-income subscribers ought to have the same choice amongst carriers and should not be limited to those carriers who by choice apply for and become federal ETCs.³ The same holds true for libraries in this docket. Cox urges the Commission to create a simple, clear designation process that will allow robust participation from all interested carriers.

II. Library Eligibility

Cox supports the Commission's tentative conclusion to provide support only to libraries that are not already fiber-connected. Participation in the program should be

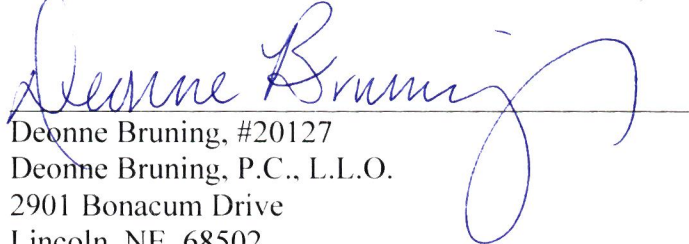
³ *Id.*

limited to those libraries that are unserved by this technology. The proposed program is described as an “E-Rate Special Construction Matching Fund”, and the title of the Order describes a program to “incentivize new fiber construction”. It therefore seems the purpose of the program is to bring broadband to unserved and underserved libraries; however, such is not specifically addressed. Cox encourages the Commission to explicitly incorporate this language in its Final Order so as to prevent ambiguity regarding the purpose of the program and the eligibility of its participants. This would also lead to the more efficient use of scarce, public funds.

In closing, Cox thanks the Commission for seeking additional input from interested parties on this subject prior to implementation of the program.

Respectfully submitted this 10th day of April, 2020.

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Certificate of Service

The undersigned hereby certifies on the 10th day of April, 2020, the Reply Comments of Cox Nebraska Telcom, LLC in Application NUSF-117 were placed in the U.S. Mail for delivery to the Nebraska Public Service Commission, 300 The Atrium, 1200 N Street, Lincoln NE; and an electronic copy of the same was e-mailed on April 14, 2020 to the following:

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