

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of the ) Application No. NUSF-77  
Nebraska Telecommunications Association ) Progression Order No. 8  
for Investigation and Review of )  
Processes and Procedures Regarding )  
the Nebraska Universal Service Fund. )

In the Matter of the Nebraska Public ) Application No. NUSF-69  
Service Commission on its own motion )  
seeking to implement policies and )  
procedures related to providing dedicated ) COMMENTS OF CHARTER  
universal service support for wireless ) FIBERLINK - NEBRASKA, LLC  
telecommunications services. )

Charter Fiberlink - Nebraska, LLC (“Charter”) hereby files these Comments for the Nebraska Public Service Commission’s (the “Commission”) consideration in the above-captioned dockets. These comments are being filed pursuant to the Commission’s Progression Order No. 8 entered on April 23, 2013. Charter appreciates the opportunity to comment regarding whether the merger of the Nebraska Broadband Pilot program (the “NEBP”) with the dedicated wireless fund program created in Application No. NUSF-69 should be accelerated.

In Progression Order No. 7, dated January 15, 2013, the Commission found that the support used for the dedicated wireless fund program should be transitioned over a four (4) year period, beginning in 2014, into the NEBP. On August 15, 2012, during the Commission’s consideration of a transition period, the Nebraska Cable Communications Association (the “NCCA”) commented in this proceeding as follows:

The Commission should not combine the goals of NUSF 69 with the goals of NUSF 77 . . . at this time. . . . [I]t is premature to consider such actions, because the NEBP has benefitted from only one year of operation. While NUSF-69 has been in existence several years, the distribution of NEBP grants from Year One

was only recently completed. A final NEBP, one that is not characterized as a 'pilot,' is far from being realized. The NEBP should first operate as a stand-alone program with sound policies and procedures developed before there is any consideration of merger with the Dedicated Wireless Fund. If the Commission is intent on merging the programs, NCCA recommends there be a period of five (5) years or more before the funds are fully integrated.

The circumstances regarding the NEBP have not changed. The NEBP is barely in its second year as a pilot program. As acknowledged by the Commission in Progression Order No. 8, sixteen (16) applicants have applied for NEBP grants for 2013, but the Commission has yet to determine which applicant(s) should be awarded funding. The NEBP has not yet been implemented to the extent that the Commission has the empirical data or experience with the program to determine whether the NEBP's goals are being met and how the merger of the NEBP and the dedicated wireless fund program would affect the ability to realize those programs' objectives. While the NEBP currently employs a broadband standard of 4/1 Mbps, the dedicated wireless fund program uses a broadband standard that the Commission admits is much less "robust." At the same time, the Commission has not resolved the problem that funds are used for overbuilding in areas subject to unsubsidized competition. Merging the two programs because the foregoing issues have not been resolved does not result in solutions. Until there is an adequate track record for assessing the needs and performance of the NEBP, determining the long range standards and goals of the programs, and ensuring that public subsidies do not compete with unsubsidized broadband providers, the Commission should not merge the programs.

Respectfully submitted this 23<sup>rd</sup> day of May, 2013.

By: 

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## CERTIFICATE OF SERVICE

An original and one copy of the foregoing Comments of Charter Fiberlink-Nebraska, LLC are being delivered on May 24, 2013 to the Nebraska Public Service Commission, 1200 N St., Suite 300, Lincoln, NE 68508, and a copy of the same are being e-mailed to:

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