

**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**



In the Matter of the Petition of the Nebraska  
Telecommunications Association for Investigation and  
Review of Processes Regarding the Nebraska  
Universal Service Fund.

) Application No. NUSF-77  
) Progression Order No. 6

In the Matter of the Nebraska Public Service  
Commission on its own motion seeking to implement  
policies and procedures related to providing dedicated  
universal service support for wireless  
telecommunications services.

) Application No. NUSF-69

In the Matter of the Nebraska Public Service  
Commission, on its own motion, seeking to establish a  
long-term universal service funding mechanism.

) Application No. NUSF-26

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**POST-HEARING COMMENTS OF THE  
RURAL TELECOMMUNICATIONS COALITION OF NEBRASKA**

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**I. INTRODUCTION**

The Rural Telecommunications Coalition of Nebraska (“RTCN”),<sup>1</sup> by and through its attorneys of record, hereby respectfully submits these post-hearing comments to the Nebraska Public Service Commission (“Commission”) following the Staff Recommendations released on November 13, 2012, and the hearing before the Commission on December 4, 2012, both in Application No. NUSF-77, Progression Order No. 6; Application No. NUSF-69; and Application No. NUSF-26.<sup>2</sup>

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<sup>1</sup> For purposes of this docket, RTCN is made up of the following intervening carriers: Arapahoe Telephone Company d/b/a ATC Communications, Benkelman Telephone Company, Inc., Cozad Telephone Company, Diller Telephone Company, Glenwood Telephone Membership Corporation, Hartman Telephone Exchanges, Inc., Hemingford Cooperative Telephone Co., Keystone-Arthur Telephone Co., Mainstay Communications, Plainview Telephone Company, Southeast Nebraska Communications, Inc., Wauneta Telephone Company, and WesTel Systems f/k/a Hooper Telephone Company.

<sup>2</sup> *In the Matter of the Petition of the Nebraska Telecommunications Association for Investigation and Review of Processes and Procedures Regarding the NUSF*, Application No. NUSF-77, Progression Order No. 6; *In the Matter of the Nebraska Public Service Commission on its own motion seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services*, Application No. NUSF-69; *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish a long-term*

RTCN again thanks the Commission and its staff for the considerable amount of hard work that has been put into this docket for the past few years. RTCN generally concurs with the Staff Recommendations released on November 13, 2012, and similar to its hearing testimony, RTCN wishes to use these post-hearing comments to address the staff's recommendation under Issue No. 10 dealing with the requirement of providing sample speed test data as a verification tool for the Commission to determine whether an approved project was completed as specified.

Over the years the Commission has continually made it a priority to provide mechanisms of accountability for the various programs it oversees. RTCN shares this value and requests that, in order to help protect the credibility and long term viability of the broadband fund program, the Commission should adopt a well-defined system for holding successful applicants accountable to meet the standards established by the Commission and the promises made in each specific broadband fund application.

In its November 13, 2012, recommendations, the Staff recommended a one-time speed test sample be provided, presumably by the funds recipient, within 90 days of project completion. RTCN urges the Commission to expand on the Staff Recommendations on this issue by establishing a well-defined verification process to ensure that fund recipients are providing at least the minimum broadband speeds required under the NEBP, and thereby using such funds for their intended purpose.

At this time RTCN is not in a position to provide substantive input on the specific technical methodology or methodologies that should be utilized to measure broadband speeds for purposes of verification. RTCN suggests, however, that the Commission hold a technical workshop to explore reasonable and uniform testing methods to be adopted by the Commission. RTCN also suggests that the Commission closely monitor the course the FCC will take on this issue. In its Report and Order and Further Notice of Proposed Rulemaking in FCC 11-161, the FCC sought and then received comments on this issue in January and February of 2012. However, the FCC has yet to rule on the matter. There is some anticipation that the FCC will rule on this issue in the near future, particularly in light of the requirements to provide network performance tests for ETCs beginning in July 1, 2013.

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*universal service funding mechanism*, Application No. NUSF-26, Order Seeking Comments (June 5, 2012) ("Order").

In addition to the more technical matter of establishing a speed testing methodologies, RTCN also urges the Commission to establish enforcement mechanisms and clearly defined ramifications that will result should a fund recipient fail to meet the speed test and other Commission requirements.

RTCN again appreciates the opportunity to contribute to this important proceeding and respectfully submits its comments above.

Dated this 19th day of December, 2012.

RURAL TELECOMMUNICATIONS COALITION  
OF NEBRASKA ("RTCN")

Arapahoe Telephone Company d/b/a ATC  
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Cozad Telephone Company,  
Diller Telephone Company,  
Glenwood Telephone Membership Corporation,  
Hartman Telephone Exchanges, Inc.,  
Hemingford Cooperative Telephone Co.,  
Keystone-Arthur Telephone Co.,  
Mainstay Communications,  
Plainview Telephone Company,  
Southeast Nebraska Communications, Inc.,  
Wauneta Telephone Company, and  
WesTel Systems f/k/a Hooper Telephone Company.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that an original and five copies of the foregoing Comments of the Rural Telecommunications Coalition of Nebraska were filed with the Public Service Commission on December 19, 2012, and a copy was served via electronic mail on December 19, 2012, addressed as shown below, to the following:

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