

NEBRASKA

PUBLIC SERVICE COMMISSION

COMMISSIONERS:
ROD JOHNSON
CRYSTAL RHOADES
MARY RIDDER
TIM SCHRAM
DAN WATERMEIER



October 8, 2019

TO ALL INTERESTED PARTIES:

RE: RULE AND REGULATION #202: In the Matter of the Commission, on its own motion, seeking to establish Title 291, Chapter 16, to adopt Reverse Auction and Wireless Registry rules and regulations in accordance with Nebraska Legislative Bill 994 [2018].

CERTIFICATION

I, Michael G. Hybl, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed Rule and Regulation No. 202 on the 8th day of October, 2019. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Shana Knutson, General Counsel, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 8th day of October, 2019.

Sincerely,

A handwritten signature in blue ink that reads "Michael G. Hybl".

Michael G. Hybl
Executive Director



cc: Attached Service List (see reverse)
Bess Boesiger, Secretary of State's Office, Room 2300, State Capitol
Stevens Berry, Governor's Policy Research Office, Room 1319, State Capitol
Mike Hilgers, Chairman, Executive Board, District #21, State Capitol (*Electronically Filed*)

Michael G. Hybl, Executive Director
Public Service Commission

P.O. Box 94927 OFFICE 402-471-3101 FAX 402-471-0254
300 The Atrium, 1200 N Street CONSUMER HOTLINE 800-526-0017
Lincoln, Nebraska 68509

psc.nebraska.gov

MEMORANDUM

TO: Wireless and ILEC Carriers

FROM: Shana Knutson, General Counsel

DATE: October 8, 2019

RE: Rule and Regulation #202
Title 291, Chapter 16, Reverse Auction and Wireless Registry

On October 8, 2019, the Commission entered an Order Releasing Proposed Rules and Seeking Comment, in the matter of Rule & Regulation No. 202, which would establish Title 291, Chapter 16, on Reverse Auction and Wireless Registry Rules & Regulations.

Due to the voluminous nature of the service list, we will not distribute hard copies unless specifically requested. A PDF version of the proposed rule is available on the Commission's website at:

<https://psc.nebraska.gov/administration/proposed-rules-regulations>.

If you wish to receive a hard copy of the proposed rules, please contact me or my assistant using the information below:

Shana Knutson	402-471-0232	shana.knutson@nebraska.gov
John Monroe	402-471-0221	john.monroe@nebraska.gov

Please call or email if you have any questions regarding the adopted rules.

Contact List

Company Name	Contact Name	Address	City	State	Zip
Access Point, Inc.	Mike Winston	7900 Tysons One Place Suite 1450	McLean	VA	22101
ACN Communication Services LLC	Jeff Myers	1000 Progress Place	Concord	NC	28025
Action Communications, Inc.	Larry Couch	315 W 27th St	Scottsbluff	NE	69361
Affiliated Technology Solutions, LLC	Thomas Welsh	777 New Durham Rd.	Edison	NJ	08817
Airnex Communications, Inc.	Arnold Marasigan	121 W Lexington Dr	Glendale	CA	91203
Airus, Inc.	John McCluskey	840 S. Canal St. 7th Floor	Chicago	IL	60607
Alliant Technologies, LLC	Gary Finkel	360 Mount Kemble Ave.	Morristown	NJ	07960
ALLTEL Corporation	Carey Gagnon	3131 S. Vaugh Way #550	Aurora	CO	80014
American Messaging Services, LLC	Linda Parks	1720 Lakepointe Dr. Suite 100	Lewisville	TX	75057
AmeriVision Communications, Inc.	Tammy Ferber	2037 Laskin Rd.	Virginia Beach	VA	23454
ANPI, LLC	Dan Meldazis	550 W Adams St. Suite 900	Chicago	IL	60661
Arapahoe Telephone Company	John E. Koller	PO Box 300	Arapahoe	NE	68922
Arlington Telephone Company	Jane Sutherland	1605 Washington St PO Box 400	Blair	NE	68008
AT&T Corp.	Cyndi Gallagher	161 Inverness Dr W Room 153D	Englewood	CO	80112
Atlantic Tele-Network, Inc.	Rohan Ranaraja	1001 Technology Dr Ste 202	Little Rock	AR	72223
Bandwidth.com, Inc.	Lisa Jill Freeman	900 Main Campus Dr Ste 500	Raleigh	NC	27606
Benkelman Telephone Company, Inc.	Randall J. Raile	PO Box 645	Benkelman	NE	69021
Big Red Communications, LLC	Douglas Powell	4875 SW 112th St.	Denton	NE	68339
Blair Telephone Company	Jane Sutherland	1605 Washington St. PO Box 400	Blair	NE	68008-0400
Blue Jay Wireless, LLC	Angela Husney	4240 International Pkwy Ste 140	Carrollton	TX	75007
Bluestem Fiber, LLC	Gregory Dynek	1320 P St. Suite 200	Lincoln	NE	68508
Board of Regents of the University of Nebraska	Nell Wineman	332 ADMN	Lincoln	NE	68588-0203
Boomerang Wireless, LLC	Julia Redman Carter	955 Kacena Rd. Suite A	Hiawatha	IA	52233
Broadband Dynamics, LLC	Kim Havins	8757 E Via De Commercio Fl 1	Scottsdale	AZ	85258
Broadsmart Global, Inc.	Tina Tecce	PO Box 6785	West Palm Beach	FL	33404
Brookings Municipal Utilities	Laura Julius	525 Western Ave Po Box 588	Brookings	SD	57006
BullsEye Telecom, Inc.	David Bailey	25925 Telegraph Rd. Suite 210	Southfield	MI	48033
CallCatchers, Inc.	Gino Capozzi	5600 Avenida Encinas Ste 170	Carlsbad	CA	92008
CallShaper, LLC	Bob Wienholt	5009 Honeygo Center Dr Ste 205	Perry Hall	MD	21128
Cambridge Telephone Company	Tom Shoemaker	613 Patterson St Po Box G	Cambridge	NE	69022
Cause Based Commerce, Inc.	David Condit	8111 Cheviot Rd. Suite 201	Cincinnati	OH	45247
CenCom, Inc.	Alyssa Arens	110 E Elk Street	Jackson	NE	68743
Citizens Telecommunications Company of Nebraska	Scott Bohler	2378 Wilshire Blvd	Mound	MN	55364
Clarks Telecommunications Company	Patrick McElory	110 E Elk St	Jackson	NE	68743
Comcast OTR1, LLC	Joseph Lance	200 Cresson Blvd.	Phoenixville	PA	19460
Comm-Core, LLC	Carissa Frame	3820 S Dixie Highway	Lima	OH	45806
Comtech 21, LLC	Laura Matosian	One Barnes Park South	Wallingford	CT	06492
Consolidated Telco, Inc.	Wendy Thompson Fast	6900 Van Dorn St Suite 21	Lincoln	NE	68506

Contact List

Consolidated Telecom, Inc.	Wendy Thompson Fast	6900 Van Dorn St Suite 21	Lincoln	NE	68506
Consolidated Telephone Company	Wendy Thompson Fast	6900 Van Dorn St Suite 21	Lincoln	NE	68506
Consumer Cellular, Inc.	Shane Bridges	12447 Sw 69th Ave	Portland	OR	97223
Convergja, Inc.	Ariel Che	237 Hymus Blvd.	Pointe-Claire	Quebec	H9R5C7
Covoda Communications, Inc.	Mark Suto	1005 W Indiantown Rd. Suite 201	Jupiter	FL	33458
Cozad Telephone Company	Dreu Young	122 E. 7th St.	Cozad	NE	69130
Cricket Wireless, LLC	Cyndi Gallagher	161 Inverness Dr W Room 153D	Englewood	CO	80112
CSG Interactive Messaging, Inc.	Bruce Kruger	18020 Burt St.	Elkhorn	NE	68022
Curtis Telephone Company	Wendy Thompson Fast	PO Box 6147	Lincoln	NE	68506
Dalton Telephone Company, Inc.	Deborah Rand	9 Cedarwood Dr	Bedford	NH	03110
DataBytes, Inc.	Jeff Holley	1800 Osage Spring Dr. Suite 210	Rogers	AR	72758
Dialpad, Inc.	Steve LaCommare	100 California St. Suite 300	San Francisco	CA	94111
Diller Telephone Company	Loren Duerksen	PO Box 218	Diller	NE	68342
DSCI, LLC	Melirue Fermin	515 S Flower St 45th Fl	Los Angeles	CA	90071
DynaLink Communications, Inc.	Mendel Birnbaum	927 Mcdonald Ave	Brooklyn	NY	11218
Eagle Communications, Inc.	Kara Denton	2703 Hall St. Suite 15	Hays	KS	67601
Eastern Nebraska Telephone Company	Jane Sutherland	1605 Washington St Box 400	Blair	NE	68008-0400
Elsie Communications, Inc.	Deborah Rand	9 Cedarwood Dr PO Box 19848	Bedford	NH	03110
Enhanced Communications Group, LLC	Carla Turner	PO Box 936	Bartlesville	OK	74005
Enhanced Communications Network, Inc.	Thomas J. Haluskey	1031 S Glendova Ave.	West Covina	CA	91790
Estech Systems, Inc.	Karen Boyd	3701 E Plano Pkwy Ste 100	Plano	TX	75074
Flash Wireless, LLC	Jeff Meyers	1000 Progress Place NE	Concord	NC	28028
France Telecom Corporate Solutions, LLC	Joe Topel	13775 McLearn Rd., MS 1100	Oak Hill	VA	20171-3212
Future Technologies	Aaron Clark	206 S 13th St Suite 601	Lincoln	NE	68508
Glenwood Network Services, Inc.	Stan Rouse	510 W Gage St PO Box 97	Blue Hill	NE	68930
Glenwood Telephone Membership Corporation	Stan Rouse	PO Box 97	Blue Hill	NE	68930
Global Connection Inc. of America	Jenn Carter	5555 Oakbrook Pkwy. Suite 620	Norcross	GA	30093
Globalstar USA, LLC	Erwin Wilson	1351 Holiday Square Blvd	Covington	LA	70433
GoDaddy.com, LLC	Gino Capozzi	5600 Avenida Encinas Suite 170	Carlsbad	CA	92008
Gogo, LLC	Donna Cahill	111 N Canal St. Suite 1500	Chicago	IL	60606
Google North America, Inc.	Nannan Zhong	1600 Amphitheatre Pkwy.	Mountain View	CA	94043
Granite Telecommunications, LLC	Geoff Cookman	100 Newport Ave. Ext 1	Quincy	MA	02171-1734
Great Plains Broadband, LLC	Rodney Thiemann	1600 Great Plains Center	Blair	NE	68008
Great Plains Communications, LLC	Rodney Thiemann	1600 Great Plains Center PO Box 500	Blair	NE	68008
GreatCall, Inc.	Brett Telford	10935 Vista Sorrento Pkwy. Suite 120	San Diego	CA	92130-8698
Hamilton Telephone Company	Jim Ediger	1006 12th St.	Aurora	NE	68818
Hartington Telecommunications Co., Inc.	Mike Becker	103 W Centre St. PO Box 157	Hartington	NE	68739
Hartman Telephone Exchanges, Inc.	Randall Raile	PO Box 645	Benkelman	NE	69021
Haug Communications, Inc.	Matthew Haug	622 Neptune Dr.	Seneca	KS	66538

Contact List

Hello Mobile Telecom LLC	Maybell Kelly	499 E Sheridan St Ste 400	Dania	FL	33004
HH Ventures, LLC	Lori Aller	955 Kacena Rd. Suite A	Hiawatha	IA	52233
Hooper Telephone Company	Robert M. Gannon	PO Box 330	Remsen	IA	51050-0330
HunTel CableVision, Inc.	Jane Sutherland	1605 Washington St PO Box 400	Blair	NE	68008
IDT America, Corp	Carl Billek	520 Broad St. 4th Floor	Newark	NJ	07102
inContact, Inc.	Amy Earnest	75 W. Town Ridge Pkwy. Tower 1	Sandy	UT	84070-5522
i-Wireless, LLC	Victoria Williams	1 Levee Way Suite 3116	Newport	KY	41071
K & M Telephone Company, Inc.	Thomas Magnuson	101 S. Victoria St. PO Box 187	Chambers	NE	68725
KDDI America, Inc.	Peter Kuan	7 Teleport	Staten Island	NY	10311
Konatel, Inc.	Paul LaPier	13601 Preston Rd Suite 816E	Dallas	TX	75240
Lunar Labs, Inc.	Michael Koenig	3434 Russell St Ste 406	Detroit	MI	48207
Lycamobile USA, Inc.	Roberta Kraus	24 Commerce St. Suite 100	Newark	NJ	07102
Mainstay Technologies	Matt Friesen	PO Box 487	Henderson	NE	68371-0487
McCookNet, Inc.	Walter B. Hampton	Po Box 1014	Mccook	NE	69001
MCI Communications Services, Inc.	Carey Gagnon	3131 S. Vaugh Way #550	Aurora	CO	80014
MetroPCS Michigan, LLC	William Haas	PO Box 10076	Cedar Rapids	IA	52410
Mitel Cloud Services, Inc.	Bob Agnes	1146 N. Alma School Rd.	Mesa	AZ	85201-3000
Mobius Communications Company	Tonya Mayer	PO Box 246	Hemingford	NE	69348
NE Colorado Cellular, Inc.	Michael Felicissimo	1224 W Platte Ave	Fort Morgan	CO	80701
Nebraska Central Telephone Company	Andrew Jader	Po Box 700	Gibbon	NE	68840
Nebraska Terracom, Inc.	David Tatum	710 Cedar Lake Blvd Ste 100	Oklahoma City	OK	73114
New Cingular Wireless PCS, LLC	Cyndi Gallagher	161 Inverness Dr W Room 153D	Englewood	CO	80112
Nextiva, Inc.	David Clark	8800 E. Chaparral Rd. Suite 300	Scottsdale	AZ	85250
Northeast Nebraska Telephone Company	Pat McElroy	110 E Elk St	Jackson	NE	68743
NOS Communications, Inc.	Jessica Renneker	250 Pilot Rd. Suite 300	Las Vegas	NV	89119
NOSVA Limited Partnership	Jessica Renneker	250 Pilot Rd. Suite 300	Las Vegas	NV	89119
Novega Venture Partners		23 Main St	Holmdel	NJ	07733
Omaha Cellular Telephone Company	Carey Gagnon	3131 S Vaugh Way #550	Aurora	CO	80014
OnStar, LLC	Henna Mirza	300 Renaissance Ctr. MC: 482-C14-C66	Detroit	MI	48265-3000
Onvoy Spectrum, LLC	Daniel Meldazis	550 W Adams St. Suite 900	Chicago	IL	60661
OPEX Communications, Inc.	Mark Leafstedt	3777 Long Beach Blvd. Suite 400	Long Beach	CA	90807
Patriot Mobile, LLC	Glenn Story	3341 Regent Blvd Ste 130-352	Irving	TX	75063
Pierce Telephone Company, Inc.	William Fogle	112 S. 5th St. PO Box 113	Pierce	NE	68767-0113
Pioneer Telephone, Inc.	Kevin Photiades	39 Darling Ave.	S. Portland	ME	04106
Plainview Telephone Company, Inc.	Grant Dummer	112 S. Main St. PO Box 117	Plainview	NE	68769
Plintron Technologies USA, LLC	Richard Pelly	40 Lake Bellevue Dr. Suite 350	Bellevue	WA	98005
PNG Telecommunications, Inc.	Craig Piecuch	8805 Governors Hill Dr Suite 250	Cincinnati	OH	45249
Precision Technology, Inc.	Dan Spray	123 N. 4th St.	Norfolk	NE	68701
Puretalk Holdings, LLC	Kelly Jesel	4113 Monticello St.	Covington	GA	30014

Contact List

Q Link Wireless, LLC	Maybell Kelly	499 East Sheridan St. Suite 400	Dania	FL	33004
Qwest Corporation	Al Lubeck	600 New Century Pkwy	New Century	KS	66031
Ready Wireless, LLC	Julia Redman-Carter	955 Kacena Rd Ste A	Hiawatha	IA	52233
Republic Wireless, Inc.	Regulatory Affairs	940 Main Campus Dr. Suite 300	Raleigh	NC	27606
Rock County Telephone Company	Jane Sutherland	1605 Washington St PO Box 400	Blair	NE	68008
ROK Mobile Inc.	Jonathan Kendrick	8500 Steller Dr Ste 3	Culver City	CA	90232
Sage Telecom Communications, LLC	David Wilder	1149 S. Hill St. Suite H-400	Los Angeles	CA	90015
Selectel, Inc.	Matt O'Flaherty	1825 N. Bell St.	Fremont	NE	68025
SI Wireless, LLC	Jason Narrell	1418 Kensington Square Ct Bldg B	Murfreesboro	TN	37130
Sioux City MSA, LP	Carey Gagnon	3131 S. Vaugh Way #550	Aurora	CO	80014
Skywave Wireless, Inc.	Ryan Kuester	121 South Main PO Box 253	West Point	NE	68788
South Dakota Network LLC	Nancy Johnson	2900 W. 10th St.	Sioux Falls	SD	57104
Southeast Nebraska Communications, Inc.	Ray Joy	110 W. 17th St.	Falls City	NE	68355
Spectrotel, Inc.	David Zahka	3535 State Hwy 66 Suite 7	Neptune	NJ	07753
Spectrum Mobile, LLC	Melody Gross	12405 Powerscourt Dr.	St. Louis	MO	63131
Sprint Spectrum LP	Diane C. Browning, Reg Affairs	6450 Sprint Pkwy MS: KSOPHN0312-3A703	Overland Park	KS	66251
Stanton Telecom, Inc.	Robert J. Paden	PO Box 716	Stanton	NE	68779
STX Group, LLC	Jason Narrell	1418 Kensington Square Ct Bldg B	Murfreesboro	TN	37130
T C Telephone, LLC	Travis Graff	508 Main St Ste A	Red Bluff	CA	96080
Telebeep, Inc.	Tom Schommer	2404 Taylor Ave. Suite 100	Norfolk	NE	68701
Telefonica USA, Inc.	Joanna Romano	800 Waterford Way Suite 300	Miami	FL	33126
Tello, LLC	Abdul Molvi	4780 Ashford Dunwoody Rd Ste A236	Atlanta	GA	30338
Telrite Corporation	Kelly Jesel	4113 Monticello St	Covington	GA	30014
Tempo Telecom LLC	Alex Valencia	5607 Glenridge Dr. NE Suite 300	Atlanta	GA	30342
The Light Phone, Inc.	Eileen Bayers	19 Morris Ave	Brooklyn	NY	11205
Three River Telco	Steven Dorf	PO Box 66	Lynch	NE	68746
Time Warner Cable Business, LLC	Betty Sanders	12405 Powerscourt Dr.	St. Louis	MO	63131
Ting, Inc.	Christina Meyering	96 Mowat Ave.	Toronto	Ontario	M6K-3M1
T-Mobile Central LLC	William Haas	Po Box 10076	Cedar Rapids	IA	52410
Toly Digital Networks, Inc.	Mark Suto	1005 W Indiantown Rd.	Jupiter	FL	33458
TracFone Wireless, Inc.	Chesley Dillon	9700 NW 112th Ave.	Miami	FL	33178
Truphone, Inc.	James Wild	4819 Emperor Blvd Ste 400	Durham	NC	27703
United States Cellular Corporation	Stephanie Cassioppi	8410 W. Bryn Mawr Ave. Suite 700	Chicago	IL	60631
United States Cellular Operating Co of Greater Iowa	Stephanie Cassioppi	8410 W Bryn Mawr Ave Ste 700	Chicago	IL	60631
United Telephone Company of the West	Al Lubeck	600 New Century Pkwy	New Century	KS	66031
USCOC of Nebraska/Kansas LLC	Stephanie Cassioppi	8410 W. Bryn Mawr Ave. Suite 700	Chicago	IL	60631
UVNV, Inc.	Gary Grinham	1550 Scenic Ave Ste 100	Costa Mesa	CA	92626
Velocity The Greatest Phone Co Ever, Inc.	William Werner	7130 Spring Meadows Dr. W.	Holland	OH	43528
Virgin Mobile USA LP	Diane C. Browning, Reg Affairs	6450 Sprint Pkwy KSOPHN0314-3A703	Overland Park	KS	66251

Contact List

Visible Service LLC	Carey Gagnon	3131 S. Vaugh Way #550	Aurora	CO	80014
Vodafone US Inc.	Bryan Ganno	2420 17th St Ste 4039	Denver	CO	80202
Wauneta Telephone Company	Randall Raile	PO Box 645	Benkelman	NE	69021
Windstream Nebraska, Inc.	Raushawn Brown	4001 N Rodney Parham Rd	Little Rock	AR	72212
Wing Tel, Inc.	Jonathon Francis	50 West St Suite 402	New York	NY	10006
Wireless Internet of Nebraska	Brian Ziems	53555 - 865 Rd.	Plainview	NE	68769
Working Assets Funding Service, Inc.	Jean Parker	101 Market St. Suite 700	San Francisco	CA	94105
Zen Communications, LLC	Jon Labrum	548 Market St Suite 39254	San Francisco	CA	94104
Ztar Mobile, Inc.	David Wilkie	325 North St. Paul St. Suite 3450	Dallas	TX	75201
Zultys, Inc.	David Termondt	785 Lucerne Dr.	Sunnyvale	CA	94085

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Rule and Regulation No. 202
on its own motion, seeking to)
establish Title 291, Chapter 16,) ORDER RELEASING PROPOSED
to adopt Reverse Auction and) RULES AND SEEKING COMMENT
Wireless Registry rules and)
regulations in accordance with)
Nebraska Legislative Bill 994)
[2018].) Entered: October 8, 2019

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

The Commission, on its own motion, opened this proceeding on March 12, 2019 to adopt Reverse Auction and Wireless Registry rules and regulations in Title 291, Chapter 16, in accordance with Legislative Bill 994 [2018]. The Commission proposes to amend Title 291, by adding Reverse Auction and Wireless Registry Rules and Regulations. In that Order, the Commission released its proposed rules and solicited comments from interested persons. Comments were filed by the following entities: Citizens Telecommunications Company of Nebraska, Inc. d/b/a Frontier Communications of Nebraska (Frontier); CenturyLink; CTIA; the Rural Telecommunications Coalition of Nebraska ("RTCN"); the Rural Independent Companies ("RIC"); NE Colorado Cellular, Inc. d/b/a Viaero Wireless ("Viaero") and United States Cellular Corporation ("US Cellular"); and Windstream Nebraska, Inc. ("Windstream").

A public hearing was held on Tuesday, May 7, 2019 in Lincoln, Nebraska. The hearing was held in legislative format. Comments were offered by Frontier, RIC, CenturyLink, RTCN, CTIA and Viaero.

Mr. Scott Bohler provided comments for Frontier. He suggested the Commission define successful investment for funding and did not agree that the Commission should be able to withhold NUSF support in situations where the carrier has not provided broadband in a manner consistent with Neb. Rev. Stat. § 86-1101. He stated the existence or non-existence of broadband is not really mentioned in the criteria for withholding of funds. He also wanted more details in the rules about what areas the Commission would target for the withholding of funding or when that would occur. Mr. Bohler wanted more specifics in the rules about whether funding would be based on census blocks, exchange areas, or municipalities. Finally, he thought the rules should be clear that the process would be applicable across the state.

Upon questioning, Mr. Bohler stated the lack of successful investment could be defined as a lack of broadband deployment in that area.

Mr. Paul Schudel testified for RIC. RIC filed comments with the Commission. They are primarily focused on the proposed reverse auction

rule at 001.04. RIC had procedural concerns, particularly with the process and procedure used by the Commission to withhold support. RIC believes the Commission should question whether a reverse auction should be implemented at this time. He stated the Commission should give careful consideration to whether implementation of any reverse auction program should be delayed until data is available with regard to actual deployment results achieved as a result of the federal CAF II auction that was recently completed. In addition, RIC believed other specific elements should be formulated in order to establish the when, what and how details of any reverse auction program would proceed. Finally, the Commission should work with the parties to refine the content of Rule 001.03 relating to the withholding of support. RIC did not take any positions with regard to the wireless registry portion.

Ann Prockish provided comments for CenturyLink. She stated there is a lack of clarity and detail in the rules that they would like to see. She also stated there should be a definition of successful investment of funding. She indicated it was a phrase that was open to interpretation. CenturyLink has a concern that under the CAF-II and the NUSF program the minimum required speeds have been 10/1 Mbps. The minimum speed guidance of LB 994 is 25/3 Mbps. Finally, CenturyLink did not agree with RIC that the reverse auction should apply exclusively to price cap carriers receiving NUSF high-cost support. She stated nothing in LB 994 allows the Commission to apply the withholding of NUSF support to only specific carriers.

Mr. Andy Pollock provided comments for RTCN. RTCN also submitted written comments. He stated the Commission should have more robust and specific criteria for the withholding of support. He stated carriers have made substantial investments and have taken on long-term loans to deploy facilities. The Commission should be aware of those circumstances. He stated the Commission should establish timelines or milestones to let carriers know what the expectations are for them. The Commission should favor withholding support at the exchange level as opposed to a smaller area level. Additionally, RTCN strongly believed that reverse auctions should not be the Commission's first option when it comes to redirecting support. If the Commission makes a decision to withhold support, it should not be rushing to a reverse auction as a way to redirect that support. RTCN supported adoption of proposals that would allow for collaboration with the local community and businesses in the area. A reverse auction sets up a bottom and should be considered as a last resort.

Mr. Loel Brooks entered an appearance for CTIA and Viaero. Each filed comments with the Commission.

A public workshop was held on July 16, 2019, in Lincoln, Nebraska. Prior to the workshop, RIC circulated its own suggested revisions to the Commission's proposed rules. The following entities participated in the

workshop: Frontier, Viaero, CTIA, CenturyLink, RIC, RTCN, Great Plains, Cox, the Nebraska Telecommunications Association ("NTA") and US Cellular. Subsequent to the workshop, RTCN circulated its proposed revisions to the Commission's rule amendments.

After considering the comments, testimony and alternative drafts circulated by RIC and RTCN, the Commission hereby issues a revised (2nd) version of its proposed rules and regulations which is attached hereto and fully incorporated herein as "Attachment A".

The Commission made some changes based upon comments made by the interested parties. The Commission emphasizes that the LB 994 imposes a duty to consider setting up a reverse auction and promulgating any rules it deems appropriate to carry out that duty. Many of the draft rules related to the auction process itself were taken directly from the federal rules. The Commission understands the concerns raised by the commenters about the status of federal universal service, NUSF funding, and investments that are ongoing. However, the Commission anticipates there will be issues that will need to be more appropriately addressed during the time and place of a factual examination as to whether to withhold support and conduct an auction. We expect that several key issues may evolve over time, such as speed and latency standards, state and federal funding availability, and mapping improvements, which will necessarily drive policy decisions made by the Commission through NUSF orders.

Further, we decline to add special procedural requirements that would impose additional burdens on consumers or the Commission for the purpose of determining the availability of broadband and investigating the use of NUSF support. We expect any affected carrier would have the opportunity to raise procedural issues in the scope of a proceeding if inconsistent with the Commission's general rules of procedure. We reiterate that this rule and regulation process is designed to implement LB 994 and set a general framework which would allow the Commission to conduct a reverse auction, while avoiding requirements that limit the Commission's ability to carry out its purpose.

Finally, we note that the Commission incorporated a suggestion surrounding the use of community-based plans. However, the Commission finds that such a pathway will be optional for the Commission and not a requirement prior to initiating a reverse auction.

We seek comments on the proposed rule amendments attached hereto as Attachment A. Comments in response to this 2nd set of draft rule amendments must be filed on or before **December 6, 2019**. Reply comments may be filed on or before **December 18, 2019**. Parties filing comments should file one (1) original and five (5) paper copies and one (1) electronic copy emailed to john.monroe@nebraska.gov and cullen.robbs@nebraska.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the attached revised Title 291, Chapter 16, Reverse Auction and Wireless Registry Rules and Regulations, be and they are hereby open for public comment.

IT IS FURTHER ORDERED that interested parties file comments on or before **December 6, 2019**. Reply comments may be filed on or before **December 18, 2019**. Parties filing comments should file one (1) original and five (5) paper copies and one (1) electronic copy emailed to john.monroe@nebraska.gov and cullen.robbins@nebraska.gov.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 8th day of October, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:







Chair

ATTEST:



Executive Director

Attachment A

TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION

CHAPTER 16 - REVERSE AUCTION AND WIRELESS REGISTRY RULES AND REGULATIONS

001. SCOPE, DEFINITIONS, AND STATE CODE.

001.01 SCOPE AND APPLICATION: The scope and applicability of these rules and regulations is described in Neb. Rev. Stat. § 86-330.

001.02 DEFINITIONS: The terms and definitions in Neb. Rev. Stat. § 86-330 are hereby incorporated into this chapter. Such terms not specifically identified in statute are defined below.

001.02(A) "Commission" as used in this Chapter 16 means the Nebraska Public Service Commission.

001.02(B) "Eligible Telecommunications Carrier" or "ETC" means a Commission-designated entity that meets the requirements of Section 214(e) of the Communications Act of 1934, as amended and any other requirements the Commission may adopt.

001.02 (C) "Fund" means the Nebraska Telecommunications Universal Service Fund.

001.02(D) "Reverse Auction" as used in § 86-330 means an auction process to determine redistribution of Support from the Fund.

001.02(E) "Support" means payments from the Fund allocated by the Commission to an ETC for such ETC's eligible expenses associated with broadband Internet infrastructure deployment in an Unserved Area or an Underserved Area within the State of Nebraska.

001.02(F) "Unserved Area" or "Underserved Area" means any location in the State of Nebraska that does not have access to broadband Internet service as defined by the Commission.

001.03 WITHHOLDING OF NEBRASKA UNIVERSAL SERVICE FUND SUPPORT.

001.03(A) Consistent with Neb. Rev. Stat. § 86-330, the Commission may withhold Support from an ETC:

001.03(A)(i) on the basis of consumer complaints or on the Commission's own motion, after making a finding that:

001.03(A)(i)(a) the availability, quality, or affordability of broadband telecommunications service is lacking; or

001.03(A)(i)(b) Has failed to follow the criteria for successful investment of Support from the Fund;

001.03(A)(ii) Where an ETC has failed to comply with the requirements of Neb. Rev. Stat. § 86-324(2); or

001.03(A)(iii) Where Commission-approved projects were not completed according to the Commission's requirements.

001.04 COMMUNITY-BASED REDIRECTION OF SUPPORT

001.04(A) The Commission may consider community-based plans for redirection of support that has been withheld from an ETC.

001.04(B) To qualify for Commission consideration, a community-based plan will include an ETC.

001.04(C) The Commission may consider community-based plans based on the following scoring criteria:

001.04(C)(i) The history of the participating eligible telecommunications carrier in providing quality and affordable telecommunications and broadband services in rural areas;

001.04(C)(ii) The capability of the ETC to use the proposed technology to provide broadband services to every location in the exchange on a reasonably comparable basis;

001.04(C)(iii) The support of local businesses, hospitals, schools, colleges, agricultural producers, and residents;

001.04(C)(iv) Other sources of funding;

001.04(C)(v) Partnerships and other cooperative arrangements with local public power providers;

001.04(C)(vi) Partnerships and other cooperative arrangements with local wireless Internet service providers; and

001.04(C)(vii) Cooperation by the incumbent local exchange carrier from which support has been withheld.

001.04(D) In entering an order redirecting support, the Commission will establish a timeline for deployment that includes periodic milestones for ensuring timely deployment and will subject the ETC with reporting duties sufficient to assess compliance with deployment milestones.

001.05 REVERSE AUCTIONS.

001.05(A) If pursuant to Neb. Rev. Stat. § 86-330 and the rules set forth in this Chapter 16, the Commission withdraws Support provided to an ETC, the Commission may use such withdrawn Support to implement and operate a Reverse Auction program, provided that such withdrawn Support is required to be utilized in the same area for which the Support was originally granted.

001.05(B) Areas eligible for the Reverse Auction program will be determined by the Commission and will be:

001.05(B)(i) Released to the public by the Commission in a notice published in accordance with the Commission's Rules of Procedure which includes the specific timeframe for Reverse Auction application submittals and any other information relevant to the Reverse Auction process.

001.05(C) An applicant participating in a Reverse Auction must include the following information in any application for Support filed with the Commission:

001.05(C)(i) A description of the applicant's business structure and ownership information;

001.05(C)(ii) Evidence that the applicant is financially and technically qualified to meet the public interest obligations for each relevant area for which it seeks Support;

001.05(C)(iii) Evidence to confirm applicant's status as an ETC or that, should it be the successful bidder for the Reverse Auction, will seek such ETC status within thirty (30) days after the close of the Reverse Auction;

001.05(C)(iv) Confirmation that the applicant plans to provide access to broadband Internet service at speeds defined by the Commission in the area or areas subject to the Reverse Auction;

001.05(C)(v) A description of the technology or technologies that will be used to provide service in the area or areas subject to Reverse Auction;

001.05(C)(vi) Any information required to establish eligibility for any bidding weights adopted by the Commission and described in an order or public notice;

001.05(C)(vii) To the extent that an applicant plans to use licensed or unlicensed spectrum to offer its voice and broadband services in the area or areas subject to Reverse Auction, a demonstration that it has the proper authorizations to use such spectrum, that use of such spectrum will not cause any interference with existing users, and that the spectrum resources will be sufficient to cover peak network usage and deliver the minimum performance requirements to serve the Fund-eligible area or areas defined in the Reverse Auction, and certify that it will retain its

access to and the use of the spectrum for at least 10 years from the date of the Support authorization;

001.05(C)(viii) A description of how the required construction will be funded, including financial projections to demonstrate, if applicable, that the applicant can cover the necessary debt service payments over the life of any loan obtained to fund construction;

001.05(C)(ix) Specified operational and financial information including:

001.05(C)(ix)(1) A certification that the applicant has provided a voice and/or broadband Internet service for at least two years or that it is affiliated with such an entity, and specifying the number of years the applicant or its affiliate has been operating, and submission of the financial statements from the prior fiscal year that are audited by a certified public accountant. If the applicant's financial statements are not audited in the ordinary course of business, in lieu of submitting audited financial statements, the applicant must certify that it will provide financial statements from the prior fiscal year that are audited by a certified independent public accountant by a specified deadline during the review process.

001.05(C)(ix)(1)(a) If the applicant or an affiliate has provided a voice and/or broadband Internet service it must certify that it or its affiliate has filed FCC Form 477s as required during the relevant time period that such voice or broadband Internet service has been provided.

001.05(C)(ix)(1)(b) If the applicant has operated in other states, applicant is required to submit evidence that the applicant is in good standing in those states.

001.05(C)(ix)(2) If an applicant cannot meet the requirements in section 001.05(C)(ix)(1) above, in the alternative it must submit the audited financial statements from the three most recent fiscal years; and Such additional information as the Commission may require.

001.05(D) APPLICATION PROCESSING

001.05(D)(i) No application will be considered unless it has been submitted in an acceptable form during the period specified by public notice. No applications submitted or demonstrations made at any other time will be accepted or considered.

001.05(D)(ii) Any application that, as of the submission deadline, either does not identify the applicant seeking Support as specified in the public notice announcing application procedures or does not include required certifications will be denied.

001.05(D)(iii) An applicant may be afforded an opportunity to make minor modifications to amend its application or correct defects noted by the applicant, the Commission, or other parties. Minor modifications include correcting typographical errors in the application and supplying non-material information that was inadvertently omitted or was not available at the time the application was submitted.

001.05(D)(iv) Applications to which major modifications are made after the deadline for submitting applications will be denied. Major modifications include, but are not limited to, any changes in the ownership of the applicant that constitute an assignment or change of control, or the identity of the applicant, or the certifications required in the application.

001.05(D)(v) After receipt of all necessary information, a public notice will identify each winning bidder that is authorized to receive auction support.

001.05(D)(vi) Once all applications for a Reverse Auction have been accepted by the Commission as meeting the criteria established in this Chapter 16, the Commission will issue an order announcing the timing and conduct of the Reverse Auction.

001.05(E) FULL AND TIMELY PERFORMANCE. Authorization to receive auction Support is conditional upon full and timely performance of all of the requirements set forth in this section, and any additional terms and conditions upon which the Support was granted.

001.05(E)(i) Failure by a recipient of Support from a Reverse Auction to meet its service milestones will trigger reporting obligations and the withholding of Support. Failure to come into full compliance within 12 months will trigger a recovery action. If the recipient does not repay the requisite amount of Support within six months thereafter, the Commission will be entitled to seek recovery through any means available to the state for recovery of a debt to the state and may disqualify the recipient from the receipt of any, all or additional Support.

001.05(E)(ii) The default will be evidenced by a letter issued by the Executive Director of the Commission or his designee.

001.06 WIRELESS REGISTRY.

001.06(A) The Commission will maintain a wireless registry to be used for the purpose specified in Neb. Rev. Stat. § 86-579.

001.06(B) The Commission will make available on its website or through paper filing a repository for any person or company to file information indicating a lack of appropriate coverage as defined in Neb. Rev. Stat. § 86-579 section 5(3). The form will include the following information:

001.06(B)(i) The name of the person filing the informal complaint;

001.06(B)(ii) The name of the wireless carrier, if applicable;

001.06(B)(iii) The address or locations where service was at issue;

001.06(B)(iv) A description of the services purchased and equipment used by the complainant; and

001.06(v) The relevant date or dates for which wireless service coverage was lacking.

001.06(C) The wireless provider may challenge this information by providing evidence of adequate coverage in the relevant location(s).

001.06(D) The Commission may further investigate to determine the existence of or the lack of adequate coverage. In doing so, the Commission may utilize other publicly available data and crowd-sourced data to determine the reliability of the information provided for purposes of the registry.