

**Before the
NEBRASKA PUBLIC SERVICE COMMISSION**

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].)
)
) Rule and Regulation No. 202
)
)
)

STATEMENT OF CTIA

CTIA respectfully submits the following statement in response to the Nebraska Public Service Commission’s (“Commission’s”) Order Setting Hearing (“Order”), entered January 22, 2020 in the above-captioned docket.

As noted in the Order, to date there have been two rounds of comments, a previous hearing, and a workshop in this proceeding to consider the proposed amendments to Title 291 (“Proposed Rules”).¹ The most recent revisions to the Proposed Rules, per the Order, include none that are substantive in nature.²

CTIA filed comments in this proceeding on April 18, 2019. In those comments, CTIA suggested clarifications to the Proposed Rules that would better align them with the Commission’s statutory authority under Legislative Bill 994 and provide more clarity for wireless carriers in Nebraska regarding their response to any inquiries under the Proposed Rules.³ In particular, CTIA expressed concerns that the Proposed Rules did not reflect the limitations on the Commission’s authority set by Neb. Rev. Stat §86-124(2), which clearly states that “The commission shall not regulate ... mobile radio services, radio paging services, and

¹ See Order at 1.

² See *id.*

³ See Comments of CTIA, Rule and Regulation No. 202 (April 18, 2019) (“CTIA Comments”).

wireless telecommunications service.”⁴ However, in the intervening thirteen months since CTIA’s comments were filed, the Commission has not addressed these concerns with the Proposed Rules. While substantive changes have been made to the sections of the Proposed Rules concerning the reverse auction for the Nebraska Universal Service Fund during this proceeding, no changes whatsoever have been made to Section 001.05 of the Proposed Rules concerning the Wireless Registry.⁵

To that end, CTIA again urges the Commission to adopt its suggested revisions to the Proposed Rules, as enumerated in the CTIA Comments.

Respectfully submitted,

By: _____/s/
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⁴ See CTIA Comments at 2-3.

⁵ Indeed, the Commission has not even incorporated CTIA’s suggested scrivener’s correction to section 001.05(B) of the Proposed Rules. Currently, the Proposed Rules reference “a lack of appropriate coverage as defined in Neb. Rev. Stat. 86-579 section 5(3).” No such section of Nebraska statute exists. Instead, LB994 codified the definition of “appropriate wireless coverage” in Neb. Rev. Stat. 75-160 section (3), as noted in Attachment A to the CTIA Comments.