

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2659
of Pinpoint Communications, Inc.)
of Cambridge, Nebraska, seeking) ORDER GRANTING DESIGNATION
designation as an eligible) AS AN ELIGIBLE
telecommunications carrier that) TELECOMMUNICATIONS CARRIER
may receive universal service)
support.) Entered: April 23, 2002

BY THE COMMISSION:

By application filed January 22, 2002, Pinpoint Communications, Inc. (Pinpoint or Applicant) of Cambridge, Nebraska, seeks designation as an eligible telecommunications carrier (ETC) so that it may receive universal service support. Notice of this application was published in The Daily Record, Omaha, Nebraska, on January 23, 2002. No formal protest or petition of formal intervention was filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

According to its original application, Pinpoint sought ETC status for the areas in which it has been certified as a local exchange carrier in Application No. C-2355. However, after discussion with Commission staff, the applicant amended its application to only seek federal ETC status in the areas currently served by Qwest Corporation, ALLTEL Communications, Citizens and United Telephone Company of the West. Accordingly, Pinpoint no longer seeks designation as an ETC in any service area served by a "rural telephone company" as such term is defined by the federal Telecommunications Act of 1996 (the Act).

Furthermore, Pinpoint also indicated that it was not, at this time, seeking designation as a Nebraska eligible telecommunications carrier (NETC) as it does not intend to apply for funding from the Nebraska Universal Service Fund (NUSF) until permanent NUSF rules are established. Therefore, Pinpoint will reapply to seek designation as a Nebraska eligible telecommunications carrier (NETC) when permanent funding rules are established.

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

Pinpoint was granted a certificate of public convenience and necessity to provide local exchange telecommunications services in Application No. C-2355 on September 19, 2000. Currently, Pinpoint provides local telecommunications services through resale. However, Pinpoint is installing its own switch

and will use UNEs sometime in the second or third quarter of 2002.

Pinpoint offers voice-grade access to the public switched network, local usage for both data and voice, dual tone multi-frequency signaling, single party service, access to emergency service, access to operator service, access to interexchange service, access to directory assistance and toll limitation for qualifying low-income consumers.

According to Roger Hoffman, Executive Vice President of Pinpoint Communications, Inc., Pinpoint does offer equal access, white page listings and service quality equivalent to the incumbent (Qwest). Furthermore, Pinpoint has provided documentation of its advertisements in a publication of general circulation, as well as other media. Finally, Pinpoint indicated that in its opinion certification of Pinpoint as an ETC would be consistent with the public interest, convenience and necessity.

Section 214(e) of the Act sets forth the standards and processes for a state commission to grant carriers the designation of eligible telecommunications carrier. The three general requirements listed in Section 214(e) are that: (1) the carrier must be a common carrier; (2) the carrier must offer the "services" that are supported by the federal fund; and (3) the carrier must advertise the availability of those services. In addition, the carrier must fulfill these criteria throughout the service area for which the designation is received.

The "services" supported by the federal fund as provided by 47 C.F.R. § 54.101(a) are as follows:

- a. Voice-grade access to the public switched telephone network;
- b. Local usage;
- c. Dual tone multi-frequency signaling or its functional equivalent;
- d. Single-party service or its functional equivalent;
- e. Access to emergency services;
- f. Access to operator services;
- g. Access to interexchange service;
- h. Access to directory assistance;
- i. Toll limitation for qualifying low-income consumers.

Pinpoint provided documentation that it fulfills the requirements of 47 C.F.R. § 54.101(a) and confirms that it provides all of the above-referenced services.

Pinpoint also provided adequate examples that it has been, and will be, advertising the availability of the supported services. Pinpoint agrees with the Commission that, in the event ETC status is granted, it will advertise its universal service offerings and the charges therefore using media of general distribution pursuant to federal and Commission requirements.

Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e) and applicable federal law for the designation of eligible telecommunications carriers in the proposed geographic area.

However, this granting of ETC designation does not trigger qualification for NUSF support. Prior to receiving any NUSF support, applicant must reapply to seek designation as a Nebraska eligible telecommunications carrier (NETC) when permanent funding rules are established.

Finally, the Commission has jurisdiction and authority to ensure that Pinpoint continues to meet the ETC criteria set forth in Section 214(e) of the Act. Nothing prevents the Commission from, on its own motion, modifying, suspending or revoking Pinpoint's ETC designation if it does not continue to meet those obligations.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Pinpoint Communications, Inc., to be designated an Eligible Telecommunications Carrier shall be, and it is hereby, granted as amended.

IT IS FURTHER ORDERED that Pinpoint Communications, Inc., is hereby declared to be an Eligible Telecommunications Carrier for federal support in the areas served by Qwest Corporation, ALLTEL Communications, Citizens and United Telephone Company of the West.

IT IS FURTHER ORDERED that Pinpoint will need to reapply to seek designation as a Nebraska eligible telecommunications carrier (NETC) once permanent funding rules are established.

MADE AND ENTERED at Lincoln, Nebraska this 23rd day of
April, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director