

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Amended ) Application No. C-2932  
Application of NPCR, Inc., d/b/a )  
Nextel Partners, Eden Prairie, )  
Minnesota seeking designation as ) MOTION FOR REHEARING DENIED  
an eligible telecommunications )  
carrier that may receive )  
universal service support. ) Entered: May 4, 2004

BY THE COMMISSION:

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

By Motion filed February 23, 2004, NPCR, Inc., d/b/a Nextel Partners (Nextel Partners or Applicant) seeks rehearing in the above-captioned application. Applicant filed a request for Oral Argument, which was subsequently withdrawn.

On February 10, 2004, the Commission denied the application of Nextel Partners for designation as an Eligible Telecommunications Carrier (ETC) so that it may receive universal service support. In its Motion, Applicant states the following: (1) the Commission's concerns about oversight and on-going compliance can be adequately addressed; (2) the Commission should not give up the opportunity to use federal funds to build out rural Nebraska; (3) the Commission erred by finding that Applicant failed to demonstrate the ability to provide the Federal Communications Commission's supported services; (4) the Commission cannot require Nextel Partners to provide ubiquitous service at the time of the application; (5) the Commission failed to acknowledge the public interest benefits of designating Applicant as an ETC; (6) the Commission's cherry-picking analysis is incorrect; (7) the Commission's position that Nextel Partners does not need universal service support to compete is unlawful; and (8) there was no evidence to support the Commission's finding that rural telephone company markets are placed at risk by the designation.

Upon consideration of the arguments presented in Applicant's Motion for Rehearing, the evidence in the record, and being fully informed in the premises, the Commission is of the opinion and finds:

1. The Motion for Rehearing should be denied; and
2. The Order entered on February 10, 2004, denying the application should be affirmed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Rehearing filed by NPCR, d/b/a Nextel Partners, should be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of May, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director