

**ADOPTED REGULATION OF  
THE PUBLIC UTILITIES COMMISSION OF NEVADA**

**LCB File No. R087-09**

Effective January 28, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 703.025, 704.210, 704.6873 and 707.490.

A REGULATION relating to public utilities; requiring the Administrator of the fund to maintain the availability of telephone service to prepare a quarterly report rather than an annual report concerning collections for and disbursements from the fund; providing the manner by which certain providers of telecommunication service may request a reimbursement from the fund to maintain the availability of telephone service for the cost of providing a Lifeline discount; prohibiting certain providers of telecommunication service from seeking a Lifeline reimbursement in certain circumstances; requiring the Administrator to disburse Lifeline reimbursements quarterly to providers of telecommunication service that meet certain requirements; limiting the amount of the Lifeline reimbursement to \$3.50 per line per month; and providing other matters properly relating thereto.

**Section 1.** NAC 704.68044 is hereby amended to read as follows:

704.68044 The Administrator shall:

1. Conduct periodic audits of contributors to the fund to maintain the availability of telephone service to ensure that the correct payments are being remitted by persons providing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of an assessment with regard to a particular form of technology is prohibited by federal law.
2. Verify the qualifications of an applicant who requests support from the fund to maintain the availability of telephone service.

3. Collect assessments from all persons providing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of an assessment with regard to a particular form of technology is prohibited by federal law and deposit that money into the fund to maintain the availability of telephone service.

4. Disburse money from the fund to maintain the availability of telephone service to eligible telecommunications carriers who qualify for funding in accordance with NAC 704.6804 to 704.68056, inclusive, and sections 2, 3 and 4 of ~~[this regulation]~~ *LCB File No. R006-09, which was adopted by the Public Utilities Commission of Nevada and filed with the Secretary of State on October 27, 2009*, and with applicable orders of the Commission.

5. Prepare ~~[at least annually]~~ a *quarterly* report of all activities of the fund to maintain the availability of telephone service, including:

(a) The total ~~[annual]~~ *quarterly and year-to-date* payments into the fund to maintain the availability of telephone service from all persons who provide telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of an assessment with regard to a particular form of technology is prohibited by federal law;

(b) An itemization of all disbursements from the fund to maintain the availability of telephone service to each qualified eligible telecommunications carrier; and

(c) The results of any audits of contributors conducted pursuant to subsection 1.

6. Prepare and submit a request to the Commission to collect money for and disburse money from the fund to maintain the availability of telephone service, which includes:

(a) The estimated amount of money required to support the fund to maintain the availability of telephone service for the following year; and

(b) The percentage rate which must be applied to the intrastate retail revenues derived from telecommunication service of all of the providers of intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of an assessment with regard to a particular form of technology is prohibited by federal law to raise the estimated amount of money required, as reported in paragraph (a).

**Sec. 2.** NAC 704.680478 is hereby amended to read as follows:

704.680478 1. A provider of telecommunication service who is designated as an eligible telecommunications carrier may file ~~[an application requesting]~~ *directly with the Administrator a request for* a disbursement of money from the fund to maintain the availability of telephone service for reimbursement of the costs of providing a discount in the rate for Lifeline service pursuant to NAC 704.680475. The amount of reimbursement requested per line per month must not exceed *\$3.50 or* the difference between the amount of the Lifeline discount offered by the provider pursuant to NAC 704.680475 and the amount of federal universal service support available for the discount pursuant to 47 C.F.R. § 54.403(a) ~~[ ]~~, *whichever is less.*

2. An eligible telecommunications carrier may seek reimbursement from the fund to maintain the availability of telephone service for only *\$3.50 per line per month or* the portion of the discount in the rate for Lifeline service for which federal universal service support is not available ~~[ ]~~, *whichever is less.*

3. ~~[The Commission will issue an order approving, denying or modifying an application filed pursuant to subsection 1 within 90 days after receipt of the application.]~~ *Not later than 180 days before the beginning of the first period for which the eligible telecommunications carrier*

*may seek reimbursement pursuant to this section, an eligible telecommunications carrier shall submit directly to the Administrator a report which provides:*

*(a) An estimate of the amount of the reimbursement the eligible telecommunications carrier expects to request for the forecasted calendar year;*

*(b) The expected number of subscribers to the Lifeline service of the eligible telecommunications carrier for each month of the forecasted calendar year; and*

*(c) The amount of the Lifeline discount per line per month.*

*4. An eligible telecommunications carrier must file directly with the Administrator, not later than 30 days after the close of each calendar quarter, a request for a disbursement from the fund to maintain the availability of telephone service in the amount of \$3.50 per line per month or the difference between the total amount of the Lifeline discount provided by the eligible telecommunications carrier and the total amount of federal universal service support available to the eligible telecommunications carrier pursuant to 47 C.F.R. § 54.403(a), whichever is less. The request must include a statement of:*

*(a) The average number of subscribers to the Lifeline service provided by the eligible telecommunications carrier in each full month of the quarter;*

*(b) The amount of the Lifeline discount per line per month; and*

*(c) The amount of the reimbursement per line per month that the eligible telecommunications carrier will seek beginning with the quarter following the quarter for which the request was filed.*

*5. An eligible telecommunications carrier may not seek reimbursement from the fund to maintain the availability of telephone service for a Lifeline discount if the customer who subscribes to Lifeline service and who is not an eligible resident of tribal lands is charged a*

*rate of less than \$3.50 per line per month for basic network service or basic network service provided by an alternative technology pursuant to NRS 704.68881.*

*6. The Administrator shall disburse quarterly to eligible telecommunications carriers that satisfy the requirements of this section the reimbursement from the fund to maintain the availability of telephone service for the cost of providing a Lifeline discount. The reimbursement to each eligible telecommunications carrier must not exceed \$3.50 per line per month.*

*7. This section applies only to the request of an eligible telecommunications carrier for a disbursement of money from the fund to maintain the availability of telephone service to reimburse the eligible telecommunications carrier for the cost of providing a Lifeline discount.*

*8. As used in this section, “eligible resident of tribal lands” has the meaning ascribed to it in 47 C.F.R. § 54.400.*