

Nebraska Public Service Commission

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EXECUTIVE DIRECTOR:
STEVE MERADITH

February 26, 2013

TO ALL INTERESTED PARTIES:

RE: Rule and Regulation #187: In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding adequacy of service and prohibiting call blocking and choking.

CERTIFICATION

I, Steve Meradith, 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. 187 on the 26th day of February, 2013. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Nichole Mulcahy, Legal Counsel, 402-471-0234.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 26th day of February, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Steve Meradith".



Steve Meradith
Executive Director

cc: Per Attached Distribution List
Secretary of State, Room 2300, State Capitol, Lincoln, NE 68509
Governor's Policy Research Office, Room 1319, State Capitol, Lincoln, NE 68509
Mr. John Wightman, Chairman, Executive Board, District #36, State Capitol, Lincoln,
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SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on) RULE AND REGULATION NO. 187
its own motion, seeking to amend)
Title 291, Chapter 5, Telecommuni-)
cations Rules and Regulations, to) ORDER RESCHEDULING HEARING
add rules regarding adequacy of)
service and prohibiting call block-)
ing and choking.) Entered: February 26, 2013

BY THE HEARING OFFICER:

On July 17, 2012, the Nebraska Public Service Commission (Commission), on its own motion, opened this proceeding to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding adequacy of service provided by telecommunications carriers and prohibiting call blocking and choking pursuant to the Nebraska Telecommunications Regulation Act, *Neb. Rev. Stat. § 86-101 et. seq.*

A third set of Proposed Rules and Regulations was released on January 29, 2013, for comment and a hearing scheduled for March 19, 2013.

Due to a conflict on the Commission calendar, the hearing as originally scheduled cannot be held and I find that the hearing on this matter should be rescheduled for **Tuesday, April 9, 2013, at 2:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

Comments on the third set of proposed rules were due by March 1, 2013. I find that the comment deadline for comments to be filed by interested parties should be moved to on or before **3:00 p.m., Friday, March 29, 2013.** Parties filing comments should file one original with five (5) paper copies and one (1) electronic copy in Word emailed to deena.ackerman@nebraska.gov and nichole.mulcahy@nebraska.gov.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

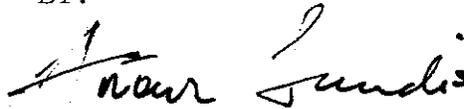
O R D E R

IT IS THEREFORE ORDERED that the hearing on this matter be rescheduled for **Tuesday, April 9, 2013, at 2:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

IT IS FURTHER ORDERED that the comment deadline also be postponed and interested parties may file comments on or before **3:00 p.m. on Friday, March 29, 2013.** Commenting parties shall file one original and five (5) paper copies along with one (1) electronic copy in Word. Electronic copies should be emailed to nichole.mulcahy@nebraska.gov and deena.ackerman@nebraska.gov.

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of February, 2013.

BY:



Frank E. Landis
HEARING OFFICER

APPENDIX

Amendments to Nebraska Administrative Code, Title 291, Chapter 5, Telecommunications Rules and Regulations:

002.02 Adequacy of Service:

002.02A Each exchange carrier shall provide adequate access line service. In determining whether the access line service provided by an exchange carrier is adequate, the Commission's consideration will include, but shall not be limited to, the adequacy of the carrier's plant and equipment, the number and nature of service interruptions, trouble reports, customer complaints and held applications, the nature of access line service offered by the carrier and the nature of the access line services desired by the public served.

002.02B Adequate service shall include not subjecting any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage in the provisioning of service by means of blocking, choking, reducing or restricting traffic in any way, or otherwise engaging in unjust or unreasonable conduct with regard to intrastate telecommunications service prohibited by Nebraska law or the rules and regulations of the Commission.

002.02BC In the event of a dispute between a subscriber or subscribers and an exchange carrier regarding the adequacy of the access line service provided, the carrier shall make such investigations as required by the particular case, and report the results to the subscriber. In the event the dispute is not reconciled, the exchange carrier, or the subscriber affected, may make application to the Commission for a determination of the dispute.

002.02GD Each exchange carrier shall employ appropriate engineering and administrative procedures to determine the adequacy of access line service being provided to its customers.

002.02DE Traffic studies shall be made and records thereof maintained to the extent and frequency necessary to determine that sufficient equipment and adequate operating forces are provided.

002.02EF Each exchange carrier shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up-to-date and checked periodically to determine whether adjustments are necessary to maintain proper balance in all trunk and equipment groups.

002.02FG Local access line service furnished by means of line concentrators or subscriber carrier equipment at a given exchange shall be substantially equivalent to that furnished other subscribers at that exchange served by means of normal physical loops.

002.02GH Each exchange carrier shall continually review its operations to assure that the access line service provided is adequate.

002.02I No exchange carrier shall engage in any practice, including blocking, choking, reducing, or otherwise restricting telecommunications traffic to particular locations in an unjust or unreasonable manner, that has the effect of degrading service to a particular location, including for purposes of avoiding any applicable rate, charge, or fee. This shall not apply if traffic restriction is caused by a *force majeure* event that is beyond the reasonable control of the exchange carrier. Each exchange carrier shall be responsible for the acts, omissions, or failures of their officers, agents or other persons acting for or employed by the carrier, acting within the scope of their employment, including but not limited to third parties contracted by carriers to assist in the provision of service.