

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. NUSF-73
of Bell Atlantic Communications,)
Inc. d/b/a Verizon Long)
Distance, for a Waiver of) ORDER
Telecommunications Rules and)
Regulations found at Title 291,)
Chapter 5, 002.01 and 002.02.) Entered: April 1, 2008

BY THE COMMISSION:

By application filed November 19, 2007, Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance (Verizon or applicant), seeks a waiver of the Commission's Nebraska Universal Service Fund (NUSF) Rules and Regulations found at Title 291, Chapter 10, §§ 002.01 and 002.02. Notice of this application appeared in The Daily Record, Omaha, Nebraska on November 21, 2007. No protests or interventions were filed. Because this application seeks a waiver of Commission rules and regulations, a hearing on this application was held on February 27, 2008 in Lincoln.

Mr. Pursley offered a recommendation on behalf of the Nebraska Telecommunications Infrastructure and Public Safety (NTIPS) Department which administers the NUSF. He stated that he had no concerns with the waiver request and recommended approval of the application. He stated the reason for the bill and collection requirements was to ensure that one company was not able to obtain an advantage over another, based upon its size or financial resources, by being able to pay the surcharge out-of-pocket. With changes in the long distance market, the NTIPS Department's concerns have been relatively abated where long distance providers are concerned. In addition, because the Commission has no direct knowledge of who the long distance provider is for each NTAP customer the Commission has no way of notifying the provider for the exemption of the NUSF surcharge. As a result, for each billing cycle, long distance companies are required to match their entire database of telephone numbers to the Commission's entire database of NTAP eligible telephone numbers.

Since the applicant does not render billing statements for its VoIP service, it requested a waiver from Title 291, Chapter 10, §§ 002.01 and 002.02. Mr. Pursley stated he does not have any concerns with this waiver request. Mr. Pursley stated that waiver of these rules would not prejudice another party not involved in this proceeding.

Mr. Lee Swift testified on behalf of the applicant. Mr. Swift's pre-filed testimony was offered and received into the record as Exhibit No. 2. Mr. Swift testified that the applicant has a small number of long distance and VoIP customers in Nebraska. Mr. Swift further stated the requirement to exempt NTAP customers from the imposition of the surcharge was burdensome. To comply, the applicant must manually verify its subscriber lists each month and match its database with the Commission's database of NTAP customers. Mr. Swift stated that it was more economical for the applicant to refrain from charging any of its Nebraska customers the NUSF surcharge and to instead remit a payment to the NUSF for all of its Nebraska customers rather than modifying its billing systems to exempt any NTAP customers it may have in any given month from paying the NUSF surcharge.

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

Upon consideration of this matter, the Commission is of the opinion and finds the waiver request of Verizon should be granted. Given the particular facts presented in this application and the information filed under seal regarding the number of customers applicant currently has in Nebraska, the Commission doubts that applicant will be advantaged competitively over another long distance provider. The Commission finds that no other company will be substantially prejudiced as a result of a grant of this limited waiver.

A grant of this waiver request does not absolve applicant's obligation to remit the surcharge to the NUSF. The Commission may terminate this waiver should conditions later warrant it.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Rules 002.01 and 002.02 shall be and are hereby waived for Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance as prescribed herein.

IT IS FURTHER ORDERED that this waiver shall be in effect for Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance until further order by the Commission.

MADE AND ENTERED at Lincoln, Nebraska this 1st day of
April, 2008.

Commissioners Concurring: NEBRASKA PUBLIC SERVICE COMMISSION

Chair

ATTEST:

Executive Director