

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. C-465
Nebraska Telephone Association, Lincoln)	
Nebraska, for approval of Access Service)	
Tariffs on Behalf of Telephone Companies)	GRANTED IN PART
not filing a separate and Independent)	
Access Tariff.)	Entered: December 20, 1983

APPEARANCES: For the Applicant
 Victor E. Covalt, III
 and Bert L. Overcash
 1500 American Charter Center
 Lincoln, Nebraska 68508

For the Protestant, AT&T Communications
 of the Midwest, Inc.
 Richard A. Peterson, Esq.
 P.O. Box 81849
 Lincoln, Nebraska 68501

and

W. Richard Morris
 AT&T Communications
 10825 Old Mill Road
 Omaha, Nebraska 68154

For the Protestant, Nebraska Association
 of Radio Common Carriers
 Richard A. Peterson, Esq.
 P.O. Box 81849
 Lincoln, Nebraska 68501

OPINION AND FINDINGS

BY THE COMMISSION:

By application filed November 1, 1983, the Nebraska Telephone Association seeks approval of access service tariffs for use by Nebraska telephone companies not filing a separate and independent access tariff.

Notice of the filing of the application was published pursuant to the provisions of the Commission's Rules and Regulations. Protests were received from AT&T Communications of the Midwest Inc. and the Nebraska Association of Radio Common Carriers.

Pursuant to notice required by law, public hearing was held on the application on November 21, 1983 commencing at 9:30 a.m. and continued on November 22, 1983 in the hearing room, Nebraska Public Service Commission, 301 Centennial Mall South, Lincoln, Nebraska.

The hearing was consolidated with hearings on access service tariffs filed by Northwestern Bell Telephone Company, Application No. C-465, General Telephone Company of the Midwest, Application No. C-458, and United Telephone Company of the West, Application No. C-464.

At the commencement of the hearing, the parties agreed and stipulated that issues raised by the protest of Nebraska Association of Radio Common Carriers should be and were set aside to be resolved in separate proceedings.

Upon consideration of the application, the evidence adduced at the hearing, and being fully advised, the Commission is of the opinion and finds that:

1. Applicant is a nonprofit corporation organized under the laws of the State of Nebraska, the members of which are engaged in furnishing intrastate communication services for hire within the State of Nebraska under the Regulations of this Commission.
2. Applicant has filed with this Commission as a part of its Application a copy of a tariff filed by National Exchange Carrier Association, 100 South Jefferson Road, Whippany, New Jersey 07981, with the Federal Communication Commission pursuant to the orders of the Federal Communication Commission. This filing includes the following:

Tariff FCC No. 1 covering Access Services consisting of original title pages 1 through 55 and original pages 1 through 658.

Preface to FCC Tariff No. 1 containing exceptions to the application of Tariff No. 1 as applied to concurring telephone companies operating intrastate in Nebraska.
3. Evidentiary hearings were held on this application, and all parties and members of the public submitted or had opportunity to submit testimony and exhibits in regard thereto.
4. Implementation of an intrastate access services tariff to replace the current division of revenues/toll settlement arrangements by January 1, 1984 is necessary to avoid disruption in provision of intrastate toll services and to enable local telephone companies to recover access revenues for provision of such services, subject to regulation and control by this Commission.
5. The tariffs submitted mirror, in structure and rates, the tariffs submitted by the NECA to the FCC to govern provision of similar access services for interstate purposes except as to premise wiring and end user charges as noted in the preface to the tariff.
6. Parity between interstate and intrastate access service tariffs is in the best interest of the general public, the local exchange carriers, and the interexchange carriers in that it will aid administrative efficiency, support universal telephone service and discourage uneconomical bypass of local networks.

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7. The access service tariffs should be approved for use by local exchange carriers effective January 1, 1984. Each local exchange carrier may adopt said tariffs in whole or in part by notifying the Commission in writing of such election prior to implementation of the tariff.

8. No end user charges for intrastate telephone services are authorized under this order. Each local exchange carrier desiring an end user charge must make application therefor to the Commission to be considered upon its own merits.

9. The application is fair and reasonable, is in the public interest, and should be granted.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-465 is hereby granted, in full, except for the "Specialized Facilities for Interstate Access E" provisions as they apply to existing radio common carriers which provisions are set aside for further consideration by the Commission in separate proceedings.

IT IS FURTHER ORDERED that the access service tariffs described in paragraph 2 hereof are hereby approved, effective January 1, 1984, and that local exchange carriers are authorized to implement said tariffs upon filing a written notice with the Commission, setting forth its election to adopt and implement the tariffs, or parts thereof.

IT IS FURTHER ORDERED that applicant, Nebraska Telephone Association, shall immediately notify the Commission of any alterations, changes or revisions to the NECA tariffs as adopted or approved by the Federal Communications Commission and shall take such steps as may be reasonable or necessary to ensure parity between interstate and intrastate access service tariffs as a result thereof.

IT IS FURTHER ORDERED that the end user charge under said intrastate access service tariffs is hereby set at \$.00; any local exchange carrier adopting said tariff which desires an end user charge must seek approval of such a charge by formal application to this Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of December, 1983.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

COMMISSIONERS CONCURRING:

ATTEST:

Terence L. Kuback
Executive Secretary