

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the Application of )	Application No. C-529
United Telephone Company of the West, )	
Scottsbluff, Nebraska, for approval of )	DENIED
Revised Intrastate Access Service )	
Tariffs. )	Entered: January 15, 1985

APPEARANCES: For the applicant  
Ann McElhenny, Attorney  
6666 West 110th Street  
Overland Park, Kansas 66211

For the protestant  
AT&T Communications of the Midwest  
W. Richard Morris, Attorney  
10805 Old Mill Road  
Omaha, Nebraska 68514

## OPINION AND FINDINGS

## BY THE COMMISSION:

By its application filed July 9, 1984, United Telephone Company of the West, Scottsbluff, Nebraska seeks approval of revised intrastate Access Service Tariffs.

Notice of the filing of the application was published pursuant to the provisions of the Commission's Rules and Regulations. A protest was filed by AT&T Communications of the Midwest.

Pursuant to notice required by law, public hearing was held on the application on November 19, 1984 at 1:30 p.m. in the Commission Hearing Room, Lincoln, Nebraska with appearances as shown.

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 corporation with its principal place of business at Scottsbluff, Nebraska. It is engaged in the telephone business as a common carrier under the jurisdiction of this Commission.

2. Victor E. Dobras testified for the applicant. He is employed by applicant as Access Charge Director. Applicant proposes to revise its Nebraska Access Charge Tariff to incorporate changes ordered by the Federal Communications Commission for interstate switched access service.

3. Sections of the tariff proposed for revision include Section 2-General Regulations to revise reporting requirements for minutes of use, definitions, etc.; Section 3-Carrier Common Line Access Service to increase the premium access rate from \$.0461 per minute to \$.0524 per minute; Section 4-End User Access Service to change wording; Section 5-Ordering Options to reduce minimum service periods and add non-recurring charges; Section 6-Switched Access to revise rates. Other minor changes are proposed in other section.

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4. Applicant proposes that interstate and intrastate Access Service Tariffs should be the same for the following reasons: (a) the services are functionally identical and should have the same prices, (b) different pricing in different jurisdictions can lead to misreporting of usage, (c) United cannot identify the source of terminating traffic, and (d) dissimilar rates and rate structures increase administration cost.

5. Applicant's existing Access Service Tariff was approved December 17, 1983 in Application C-464. This tariff mirrored the interstate access charges which had been filed with the FCC to become effective January 1, 1984. The interstate tariff was not approved by the FCC until several months later, becoming effective on May 25, 1984 and modified from the original proposal. It is this interstate tariff which applicant again proposes to mirror.

6. The interstate and intrastate tariffs have not been the same since May 25, 1984. It would appear that having different tariffs is not an insurmountable obstacle.

7. Applicant has presented no cost justification for the proposed increases in access charges. The interstate access charges are based on applicant's interstate costs. Insofar as there are differences in interstate costs and intrastate costs, it is not appropriate for intrastate tariffs to mirror interstate tariffs which ignore intrastate costs.

8. The application should be denied.

## ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-529 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of January, 1985.

NEBRASKA PUBLIC SERVICE COMMISSION

*Harold D. Simpson*  
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

*Duane D. Hay*

*Donald Adams*  
Executive Secretary