

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Applica-)	Application No. C-1128
tion of the Nebraska Public)	Progression Order No. 6
Service Commission on its own)	
Motion to Conduct an Investi-)	
gation into Further Defining)	
the Term "Telecommunications)	Request for Comments
Carrier" as it Relates to the)	
Obligations of Incumbent Lo-)	
cal Exchange Carriers and the)	
Commission under Sections 251)	
and 252 of the Act.)	Entered: September 3, 1997

BY THE COMMISSION:

The passage of the Telecommunications Act of 1996 (the Act) placed several new obligations on this Commission regarding the implementation of competition. Accordingly, the Commission has issued a series of progression orders in Docket C-1128 to address the effects of local competition in Nebraska. The progression orders entered in C-1128 have enabled immediate and uniform implementation of our responsibilities and have provided the opportunity to resolve problems expeditiously.

We now seek public comment to assist the Commission in its effort to clarify the obligations of incumbent local exchange carriers under Section 251 of the Act in their duty to enter into negotiations of interconnection agreements with requesting telecommunications carriers. We further seek to clarify this Commission's obligation to initiate proceedings described in Sections 251 and 252 of the Act. In order to encourage interconnection among companies with actual intent to participate in the competitive local exchange market, but to prevent the waste of resources associated with spurious requests for negotiations of interconnection, the Commission seeks to clarify the definition of the term "telecommunications carrier". The Act defines "telecommunications carrier" as follows:

The term 'telecommunications carrier' means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in Section 226). A telecommunications carrier shall be treated as a common carrier under this Act only to the extent that it is engaged in providing telecommunications services, except that the Commission shall determine whether the provision of fixed and mobile satellite service shall be treated as common carriage.

The FCC's First Report and Order (FCC 96-235) expands on the Act's definition with the following definition:

The term 'telecommunications carrier' means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in Section 226). A telecommunications carrier shall be treated as a common carrier under this Act only to the extent that it is engaged in providing telecommunications services, except that the Commission shall determine whether the provision of fixed and mobile satellite service shall be treated as common carriage. This definition includes CMRS providers, interexchange carriers (IXCs) and, to the extent they are acting as telecommunications carriers, companies that provide both telecommunications and information services. Private Mobile Radio Service providers are telecommunications carriers to the extent they provide domestic or international telecommunications for a fee directly to the public. 47CFR51.5(1997)

For the purposes of determining the obligation of Incumbent Local Exchange Carriers and this Commission under Sections 251 and 252 of the Act in response to requests and bona fide requests for interconnection, the Commission intends to further clarify the FCC's definition of "telecommunications carrier" by defining "provider" of telecommunications services. The Commission proposes to define "provider" of telecommunications services as follows:

The term 'provider' of telecommunications services is defined as any entity that currently provides local exchange service, access service, interexchange service or Commercial Mobile Radio Service or has been certified to provide such services in Nebraska or in another state.

Comments on the above proposed definition of "provider" of telecommunications services should be submitted to the Commission on or before September 23, 1997. Reply comments will be accepted until September 30, 1997.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that comments on the issues set forth herein are to be submitted on or before September 23, 1997.

IT IS FURTHER ORDERED that reply comments shall be submitted on or before September 30, 1997.

MADE AND ENTERED in Lincoln, Nebraska on this 3rd day of September, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION
COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director