

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public ) Application No. C-1128  
Service Commission on its own motion ) Progression Order 4  
to conduct an investigation into the )  
effects of local competition on ) Dialing Parity Policy  
the telecommunications industry in ) Established for US West  
Nebraska. )  
 ) Entered: October 15, 1997

BY THE COMMISSION:

In 1995, the Commission opened C-1128 to investigate the effects of local competition on the telecommunications industry within Nebraska. Progression Order Number Four in Docket C-1128 was opened to obtain comments from interested persons concerning the implementation of intraLATA dialing parity in Nebraska. The docket, opened January 28, 1997, asked for initial comments and reply comments. The Nebraska Telephone Association filed a motion requesting the Commission extend the deadline for the filing of comments for a period of thirty (30) days. The motion was granted and initial comments were due on or before March 31, 1997, and reply comments on or before April 18, 1997. An order was entered on September 15, 1997, establishing a dialing parity policy for all local exchange carriers in Nebraska, with the exception of US West Communications (US West).

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

After reviewing the comments filed herein, we adopted a policy regarding the implementation of intraLATA dialing parity for all local exchange carriers operating in Nebraska, excluding US West. Today, we supplement that policy with the following provisions to govern the establishment of intraLATA dialing parity for US West.

1. Implementation Deadline. The Commission finds that it is in the public's interest to implement intraLATA dialing parity as soon as possible across Nebraska. The Telecommunications Act of 1996 (the Act) does not permit state commissions to require any Bell Operating Company (BOC) to implement intraLATA dialing parity. A Commission may only so direct, if it did so prior to December 19, 1995, until the BOC has been approved to enter the interLATA market, pursuant to the provisions of Section 271 of the Act, or until February 8, 1999, whichever is earlier. We order US West to implement dialing parity no later than February 8, 1999, or upon obtaining approval to enter the interLATA market in accordance with Section 271 of the Act, whichever is earlier.

2. Waiver Process. US West may petition for a waiver of the February 8, 1999, deadline by proving to the Commission that implementing dialing parity by that date would be unduly economically burdensome and not technically feasible.

The request for waiver shall be filed with the Commission on or before March 1, 1998. A request for waiver will not be permitted if US West obtains Section 271 interLATA relief.

3. Dialing Parity Plans. Plans regarding the implementation of dialing parity shall be submitted no later than six months prior to implementation. At a minimum, the following information shall be included in the dialing parity plan: (a) the implementation schedule, including the actual date of implementation; (b) the customer notification process, including a copy of the letter that will be used for notification purposes; (c) the cost of implementation and the cost recovery method to be used; (d) the carrier notification process; and (e) general business practices.

4. Customer Notification. Balloting customers is not required. Customers shall be notified of intraLATA dialing parity via generic customer letters prepared by US West Communications. Bill inserts and messages are not considered sufficient notice.

5. Grace Period. Existing customers shall have ninety (90) days to change their intraLATA provider free of charge. After the expiration of ninety (90) days, if no selection has been made, customers shall be served by the existing provider, unless the existing provider does not desire to be the service provider. Another provider must be willing and able to offer services in place of the existing provider before the existing provider may abandon an area. New customers shall have ninety (90) days to select an intraLATA and interLATA provider free of charge. New customers shall use access codes until a selection is made.

6. Cost recovery. The incremental costs associated with intraLATA presubscription shall be recovered over three years. Expenditures, such as hardware and software upgrades to the switch and customer notification, are considered appropriate for recovery. Costs will be recovered by placing a surcharge on all intraLATA originating toll minutes subject to presubscription over a three-year period. A true-up will be imposed to correct any recovery errors after year two.

7. Directory assistance, directory listings and coin telephones. NPA 555-1212 calls shall be subject to intraLATA presubscription. IntraLATA presubscription shall also be made available to all coin telephones.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service

Commission that the intraLATA dialing parity policy set forth herein for US West Communications, Inc. be adopted.

MADE AND ENTERED at Lincoln, Nebraska this 15th day of October, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONER CONCURRING:

Chairman

ATTEST:

Executive Director

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