

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  
Nebraska. )  
) Entered September 15, 1997

BY THE COMMISSION:

In 1995, the Commission opened this docket to investigate the effects of local competition on the telecommunications industry within Nebraska. Since that time, this docket has been used to establish a Consumer Bill of Rights and to adopt a Mediation/Arbitration policy to uniformly process petitions filed under Section 252 of the Telecommunications Act of 1996. Other Progression Orders in C-1128 are pending at this time.

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 that initial comments be filed on or before February 28, 1997. Reply comments were due on or before March 31, 1997. 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. Initial comments were filed by Aliant Communications, AT&T of the Midwest, GTE Midwest, the Nebraska Independent Telephone Association, Sprint/United, US West Communications and the Telecommunications Reseller Association. Reply comments were filed by Aliant Communications, AT&T of the Midwest, the Nebraska Independent Telephone Association, the Nebraska Telephone Association, Sprint/United and US West Communications.

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 adopt the following policy regarding the implementation of intraLATA dialing parity for all local exchange carriers operating in Nebraska, excluding US West Communications.

1. Implementation Deadline. The Commission finds that it is in the public's interest to implement intraLATA dialing parity as soon as technically feasible in Nebraska. Consumers will most likely benefit by receiving reduced toll rates, more diverse services and the ability to choose the long distance carrier of their choice. Accordingly, all local exchange carriers, excluding US West Communications, shall implement intraLATA dialing parity on or before December 31, 1998. Local exchange carriers that have not yet implemented interLATA dialing parity shall also implement such concurrently with intraLATA dialing parity, on or before December 31, 1998.

2. Waiver Process. Any local exchange carrier may petition for a waiver of the December 31, 1998, deadline by proving to the Commission that implementing dialing parity by that date would be unduly economically burdensome and not technically feasible. Requests for waivers shall be filed with the Commission on or before March 1, 1998.

3. Dialing Parity Plans. Plans regarding the implementation of dialing parity shall be submitted on or before July 1, 1998. 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 unless interLATA equal access is not available. If interLATA equal access is available, customers shall be notified of intraLATA dialing parity via generic customer letters prepared by the local exchange carrier. Bill inserts and messages are not considered sufficient notice. Local exchange carriers that have not yet provided interLATA dialing parity, shall ballot customers for interLATA and intraLATA service simultaneously.

5. Grace Period. Customers shall have ninety (90) days to change their intraLATA provider free of charge. The same period shall be afforded customers who are balloted for intraLATA and interLATA services. After the expiration of ninety (90) days, if no selection has been made, customers shall be served by the existing provider, unless another provider offers services in place of the existing provider. New customers shall have ninety (90) days to select an intraLATA and interLATA provider free of charge. The new customer 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 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 be adopted.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONER CONCURRING:

Chairman

ATTEST:

Executive Director

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