

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Emergency) Docket No. C-1519
Petition of MCI Telecommunications)
Corporation and AT&T Communications) DISMISSED IN PART
of the Midwest Inc. to Investigate)
Compliance of Nebraska LECs with)
FCC Payphone Orders.) Entered: January 12, 1998

BY THE COMMISSION:

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

On April 11, 1997, MCI Telecommunications Corporation (MCI) and AT&T Communications of the Midwest, Inc. (AT&T), both of Denver, Colorado, jointly filed an emergency petition with this Commission seeking to determine the level of compliance in Nebraska with FCC orders concerning the removal of pay telephone investment and associated costs from regulated operations. In the FCC's Order on Reconsideration, FCC 96-439, in CC Docket Numbers 96-128 and 91-35, the FCC directed that incumbent local exchange carriers (LECs) must remove any charges that recover the costs of payphones from both interstate and intrastate access tariffs. In CC Docket No. 96-128, the FCC declared that the states must ensure that payphone costs for unregulated equipment and subsidies be removed from intrastate access service rates. In response to MCI and AT&T's petition, the Commission opened this Docket, C-1519.

On May 2, 1997, the Commission surveyed all LECs providing telecommunications services in Nebraska to determine the progress made toward compliance with the FCC orders. After this initial review, the Commission found that five LECs had fully complied with both of the FCC directives, thirty-five LECs had partially complied with the FCC orders, and two other companies, U.S. West Communications, Inc. (US West) and GTE Midwest, Incorporated (GTE), had yet to take the necessary steps toward compliance. The thirty-five LECs found to be in partial compliance at that time are listed in Appendix A, attached hereto, and made a part of this order. On November 25, 1997, the Commission issued an order that dismissed the five companies that were found to be in full compliance with the FCC orders and directed that the remaining companies achieve compliance by December 31, 1997.

Since the November 25, 1997, order, GTE and those LECs listed in Appendix A have each filed the required tariff and rate changes. Therefore, each of these LECs have fully complied with the FCC's orders and should be excused from any further action under C-1519.

Prior to the Commission's December 31, 1997, deadline for achieving compliance, US West filed a motion requesting that the Commission reconsider its November 25, 1997, order as it applies to US West and that a hearing be set. Pursuant to that motion, the Commission scheduled a hearing in the matter for January 20, 1998. Therefore, at this time, US West should not be considered to be in violation of the Commission's November 25, 1997, order, pending the outcome of the scheduled hearing.

O R D E R

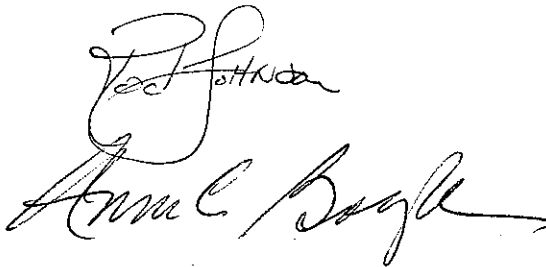
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that GTE Midwest, Incorporated and those local exchange carriers listed in Appendix A, attached hereto and made a part of this order, have fully complied with the FCC orders cited above and, therefore, are excused from any further action or requirements under this Docket.

MADE AND ENTERED in Lincoln, Nebraska, on this 12th day of January, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chairman



ATTEST:


Executive Director

//s//Lowell C. Johnson

//s//Frank E. Landis