

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of MCI Tele-) Application No. C-1524
communications Corporation for Review of)
Access Charges of US West Communications,) Dismissed
Inc.)
) Entered: September 15, 1997

APPEARANCES:

For MCI Telecommunications Corporation:
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Crosby, Guenzel, Davis, Kessner & Kuester
134 South 13th, #400
Lincoln, Nebraska 68508

For US West Communications, Inc.:
Richard L. Johnson
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Omaha, Nebraska 68102

BY THE COMMISSION:

By Application filed April 15, 1997, MCI Telecommunications Corporation (MCI) initiated this docket seeking review by the Commission of the access charges imposed by US West Communications, Inc. (US West) for access to its local exchange network. Specifically, MCI requested that such access charges be reduced to economic cost. MCI's Application was initiated pursuant to Neb.Rev.Stat. sec. 75-609(2) (Reissue 1996) and alleges that US West's current access rates violate unspecified provisions of the Telecommunications Act of 1996 (the "Act").

On May 15, 1997, U S West filed its Motion to Dismiss this Application. The thrust of US West's Motion is that this Application is premature in light of the FCC's pending consideration of universal service and access charges, as well as the pending activities of this Commission in Application No. C-1176 concerning universal service funding. Further, US West argues that the provisions of the Act do not require that intrastate access charges be reduced to economic cost.

Oral arguments concerning the Motion to Dismiss were presented to the Commission by legal counsel for the parties on July 28, 1997. Thereafter, written briefs were submitted by the parties on August 15, 1997. US West's Motion to Dismiss is now before the Commission for ruling. For the reasons set forth below, the Commission finds that such Motion to Dismiss should be sustained, and this Application should be dismissed without prejudice.

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The Commission acknowledges, as MCI asserts in its Application, that Section 75-609(2) is specific legislation which provides the Commission with a jurisdictional basis and procedures to set access charges by a local exchange carrier to an interexchange carrier for access to its local exchange network. The Application alleges that negotiations between the parties concerning access charge reductions have failed. Section 75-609(2) provides that in such a case, this Commission, after hearing, shall set access charges which are fair and reasonable.

Notwithstanding the foregoing, we conclude from our review of the Application that MCI is seeking to revise the structure of access charges which now exists in this State by requesting that US West's intrastate access charges be reduced to economic cost, thus eliminating any above-cost element in such access charges. Section 75-609(2) provides that "[t]he Commission shall set an access charge structure *for each local exchange carrier . . .*" (emphasis added).

We further conclude that the structure of intrastate access charges should be addressed in a context which is not limited to a single local exchange carrier and a single interexchange carrier. Rather, this issue, which is of great importance to the entire telecommunications industry in Nebraska, as well as to telecommunications consumers, should be addressed in an investigatory docket in which all telecommunications service providers, as well as telecommunications service consumers, may participate. By separate Order entered by the Commission on this date, an investigatory proceeding will be commenced for a comprehensive review of access charge reform for this State. Thus, we order that this Application be dismissed without prejudice.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1524 filed by MCI Telecommunications Corporation be, and it is hereby dismissed without prejudice.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

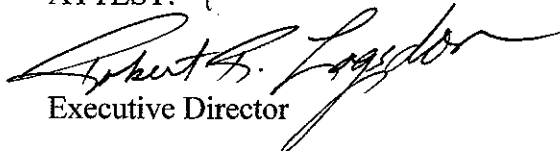




//s//Rod Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller

Chairman 

ATTEST:


Executive Director