

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. C-1645
on its own motion, seeking to)
establish a Lifeline and Link-up) MODIFICATION OF PRIOR
Plan for the state of) ORDER AND NEW ORDER
Nebraska.) Entered: March 2, 1999

BY THE COMMISSION:

On October 15, 1997, the Commission, on its own motion, opened this docket to establish a Lifeline and Link-Up program in the state of Nebraska in accordance with orders of the Federal Communications Commission (FCC). This docket was also established to make necessary changes and adjustments in the criteria, operation, and implementation of those two programs.

On December 2, 1997, the Commission entered an order in this docket which required Eligible Telecommunications Companies (ETCs) to file plans with the Commission regarding the implementation of toll-limitation services, and specifically toll control, for subscribers in the Lifeline program on or before March 1, 1999. On February 9, 1999, the Commission issued a Request for Comments from interested parties regarding the technical feasibility of implementing a toll control service for Lifeline subscribers. The Commission allowed until February 19, 1999, for parties to send comments on implementation of toll control and on the question of whether the toll control requirement should be enforced, held in abeyance, delayed, or modified.

Comments were received from the Nebraska Telephone Association (NTA), the Nebraska Independent Telephone Association (NITA), Great Plains Communications, and GTE Midwest Incorporated. Acknowledgments were received from Hamilton Communications and US West Communications.

In its initial order, the Commission required all telecommunications carriers who wished to be named as an ETC to offer both toll blocking and toll control to subscribers on the Lifeline program. A two-year waiver was available upon a finding that toll control was not technically feasible. The Nebraska Telephone Association received such a waiver in December 1997.

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All of the filed comments indicated that toll control is still not technically available or feasible. GTE Midwest (GTE) filed comments which listed three limitations on the availability of toll control. These were 1) the technological constraints of analog switches, 2) software and billing system limitations, and 3) real-time access to billing records to monitor customer usage and ensure compliance.

Great Plains Communications stated that the toll control requirement could not be met with economic efficiency because of software and switch change demands.

The NTA and NITA encouraged the Commission to adopt definitions of toll control that were consistent with the FCC Fourth Order on Reconsideration which defined toll limitation as toll control or toll blocking. *Fourth Order on Reconsideration, CC Docket No. 96-45, FCC 97-420, para. 115 (rel. December 30, 1997)*. None of the filed comments indicated any problems or concerns with ETCs providing toll blocking services to Lifeline subscribers.

Because of the current technical difficulties telecommunication carriers must face to offer toll control, the desirability of providing a definition of toll limitation consistent with the FCC's recent order, and because toll blocking is currently a viable option for most carriers in the state, the Commission finds that a modification of its prior order on the implementation and provisioning of toll control to Lifeline subscribers is in order.

The Commission also goes on record that this modification should not relieve the ETCs from providing toll blocking to requesting Lifeline subscribers. The Commission reserves the right to reinstate toll control requirements upon a future finding that the implementation of toll control is technically feasible or in conjunction with an FCC rule ordering the same.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Eligible Telecommunication Companies may provide toll blocking or toll control to satisfy the Commission requirement that ETCs offer toll limitation to Lifeline subscribers.


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IT IS FURTHER ORDERED that only those ETCs which are unable to meet this revised requirement of offering toll limitation services to Lifeline subscribers be required to file an implementation plan or waiver request. Such implementation plan or waiver request must be filed by May 1, 1999.

MADE AND ENTERED at Lincoln, Nebraska, on this 2nd day of March, 1999.

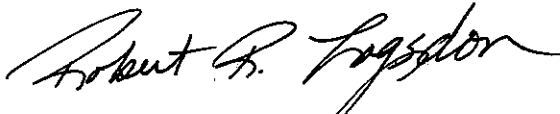
COMMISSIONERS CONCURRING:


//s//Lowell C. Johnson
//s//Frank E. Landis

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
