

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on )  
its own motion, seeking to determine ) Application No. C-1878/PI-23  
appropriate policy regarding access )  
to residents of multiple dwelling ) ORDER OPENING INVESTIGATION  
units (MDUs) in Nebraska by competi- ) AND REQUESTING COMMENTS  
tive local exchange telecommunica- )  
tions providers (CLECs). ) Entered: August 25, 1998

BY THE COMMISSION:

At its August 11, 1998, meeting, the Nebraska Public Service Commission (Commission) voted to open a docket to determine a policy regarding access to residents of multiple dwelling units (MDUs) in Nebraska by competitive local exchange telecommunications providers (CLECs).

Cox Nebraska Telcom II, L.L.C. (Cox) had previously filed a formal complaint (FC-1262) against US West Communications, Inc. (US West) with this Commission concerning access to residents of MDUs. Upon review of the complaint, the Commission is of the opinion that as competition develops further in Nebraska telephone markets, it is in the best interest of the public that the Commission develop a general overall policy regarding access to MDUs. Therefore, the Commission opens this docket upon its own motion. Upon opening this investigation, Cox withdrew its complaint against US West.

The Commission requests that by September 8, 1998, all interested persons submit comments on the following issues:

1. Who is entitled to choose a local telephone carrier, the resident of an MDU or the building owner? Why?
2. At what point should a CLEC be given access to customers (e.g., individual apartment location, building site, property line, etc.)? What is the appropriate point of demarcation?
3. What are the rights and responsibilities of CLECs and incumbent local exchange carriers (ILECs) when the cable facilities serving a MDU are not currently wired for competition?
4. If it is necessary for an ILEC to sell a portion of the existing wiring to accommodate competitive access, how should a fair price be determined?
5. Who should pay for the rewiring of facilities, and in what amount, if rewiring is necessary?

The Commission will hold a hearing on these and related issues on Monday, September 14, 1998, at 9:00 a.m. in the Commission Hearing Room, Lincoln. Failure to submit written comments by September 8, 1998, will not preclude a party from participating in the September 14 hearing. However, the Commission may limit the participation of parties who do not submit comments. After September 8, 1998, the Commission will post all comments submitted

on its web site, <http://www.nol.org/home/NPSC>.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that interested persons may submit comments and recommendations on the issues raised herein on or before September 8, 1998.

IT IS FURTHER ORDERED that parties are not restricted to the specific questions enumerated in this order but may also raise and address other issues consistent with the purpose of this investigation.

IT IS FURTHER ORDERED that an original, two paper copies, and one electronic copy (in WordPerfect format) of comments be submitted on or before September 8, 1998.

IT IS FINALLY ORDERED that the Commission will hold a hearing on competitive local exchange carrier access to residents of multiple dwelling units on September 14, 1998, at 9:00 a.m. in the Commission Hearing Room, 300 the Atrium, 1200 N Street, Lincoln, Nebraska. The Commission may limit the participation of parties not submitting comments.

MADE AND ENTERED at Lincoln, Nebraska, this 25th day of August, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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