

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

The Commission, on its own ) Application No. C-1882/PI-24  
motion, to determine appro- ) CLARIFICATION TO PUBLIC  
priate policy for providing ) INTEREST PAYPHONE POLICY  
public interest payphones in )  
Nebraska. ) Entered: December 7, 1998

BY THE COMMISSION:

At its August 11, 1998, regularly scheduled meeting, the Nebraska Public Service Commission (Commission) voted to open a docket concerning the Federal Communications Commission's (FCC) September 20, 1996, Report and Order in CC Docket No.'s 96-128 and 91-35. The Report and Order required state commissions to establish a policy on public interest payphones within two years of its release. In the Report and Order, the FCC established "guidelines by which the states may ensure the maintenance of payphones serving the public interests in health, safety and welfare, in locations where they would not otherwise be available as a result of the operation of the market." Report and Order paragraph 264. The FCC directed that each state review whether it has adequately provided for public interest payphones. Specifically, each state must evaluate "whether it needs to take any measures to ensure that payphones serving important public interests will continue to exist in light of the elimination of subsidies and other competitive provisions established pursuant to Section 276 of the 1996 (Telecommunications) Act, and that any existing programs are administered and funded consistent with the requirements described above." Report and Order paragraph 285.

Written comments were requested and received by the Commission as to the need for the Commission to take measures to ensure that payphones serving important public interests would continue in light of the elimination of subsidies and other competitive provisions established pursuant to Section 276 of the 1996 Act.

On September 21, 1998, the Commission formally adopted the Commission's Public Interest Payphone Policy. US West and GTE subsequently filed a Motion for Reconsideration and Rehearing. An oral argument was scheduled on this Motion on November 24, 1998. However, the requesting parties subsequently waived oral arguments and instead filed comments addressing their concerns with the policy.

Application No. C-1882/PI-24

PAGE 2

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

After reviewing the comments filed in conjunction with the Motion for Reconsideration and Rehearing, we have determined to clarify the Commission's policy regarding public interest pay telephones in the following three respects:

1.    The obligation of an exchange carrier in Commission Rule 002.05 is to ensure that a payphone is available on a 24-hour basis in each municipality it serves, where public convenience requires. This obligation applies only to the local exchange company (LEC) operations, and not to its unregulated payphone operations. The exchange carrier's unregulated payphone operation is under no direct obligation to be the provider of such public interest payphones.

2.    The exchange carrier administering the public interest payphone program in a given municipality shall give all payphone service providers an equal and non-discriminatory opportunity to provide the public interest payphone.

3.    The costs of such public interest payphones will be distributed fairly and equitably and without the use of subsidies in a manner to be determined by the Commission in its pending Universal Service Docket No. C-1628.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Commission hereby clarifies the Commission's policy regarding public interest payphones in the following three respects:

1.    The obligation of an exchange carrier in Commission Rule 002.05 is to ensure that a payphone is available on a 24-hour basis in each municipality it serves, where public convenience requires. This obligation applies only to the local exchange company (LEC) operations, and not to its unregulated payphone operations. The exchange carrier's unregulated payphone operation is under no direct obligation to be the provider of such public interest payphones.

Application No. C-1882/PI-24

PAGE 3

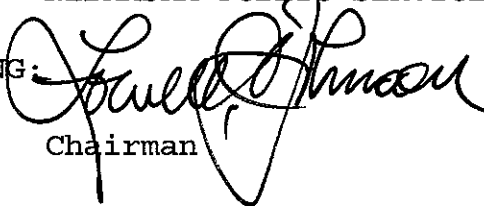
2. The exchange carrier administering the public interest payphone program in a given municipality shall give all payphone service providers an equal and non-discriminatory opportunity to provide the public interest payphone.

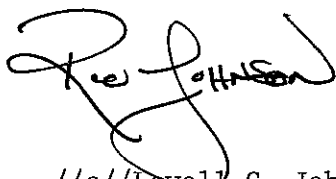
3. The costs of such public interest payphones will be distributed fairly and equitably and without the use of subsidies in a manner to be determined by the Commission in its pending Universal Service Docket No. C-1628.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of December, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

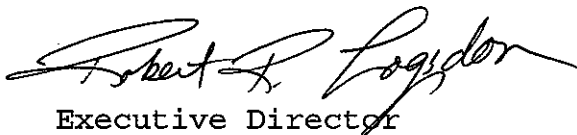
COMMISSIONERS CONCURRING:

  
Chairman



//s//Lowell C. Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

ATTEST:

  
Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

---