

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application     ) Application No. C-2248/PI-37  
of the Commission, on its own         )  
motion, to seek comment on the        ) ORDER OPENING DOCKET  
establishment, implementation         ) AND SEEKING COMMENT  
and monitoring of service quality     )  
standards in the provisioning         )  
of wholesale services by incumbent    )  
local exchange carriers to             )  
their wholesale customers.            ) Entered: March 21, 2000

BY THE COMMISSION:

The Commission, in conjunction with our findings in Docket C-2137/PI-32 examining the impact of the proposed US West - Qwest merger, along with the evidence and comments presented in Docket C-1128/Progression Order No. 5, and more recently in Docket No. FC-1277, finds that a new proceeding should be initiated to examine the implementation of service quality performance standards as they relate to incumbent local exchange carriers (ILECs) in the provisioning of services to their wholesale customers.

The quality of service that ILECs provide to their wholesale customers is a critical component in the overall picture of improving the competitive environment. Without adequate service to their wholesale customers, ILECs can sabotage even the best efforts of competitive local exchange carriers to compete. Held, delayed and lost orders could damage a competitor's professional reputation and customer goodwill resulting in reverse migration of customers back to the incumbent carrier. The prompt, accurate and adequate provisioning of services to wholesale customers is as important as other aspects of the competitive market such as pricing and customer access.

We make no direct finding on any incumbent carrier here. We note that the scope of this docket is both industry-wide and statewide. As such, we will be looking to develop industry-wide standards. As these standards are developed, they will be applied in a nondiscriminatory fashion to all incumbent carriers in the state.

Additionally, we note that we had previously taken comments on this subject matter under Docket No. C-1128, Progression Order No. 5 in September and October 1997. Those comments will be incorporated into this file and that docket will be closed. While many of the comments still have relevance for this docket, in light of the changed and emerging competitive environment, new issues have arisen and new challenges must be faced by this Commission. The comments filed in Docket No. C-1128 are still available for inspection. If any party that responded to that docket wants to supplement, amend or rescind comments made then, they are free to do so under the aegis of this new docket. Parties who did not file comments then are invited to file comments now.

Although the Commission took no direct action as a result of the comments and evidence filed in Docket No. C-1128, it is our intention to use the information presented in this docket to establish performance standards, implement measures along those standards and to monitor compliance with those measures. In addition to ensuring adequate service to wholesalers of telecommunications services, the Commission will use this monitoring to prevent backsliding - the cumulative but imperceptible erosion of service which denies Nebraska consumers quality service and meaningful competitive choice.

This docket is therefore opened to investigate and seek comment concerning the establishment of performance standards, appropriate measures of adequacy within those standards and reporting requirements that should be enacted for incumbent carriers in the provisioning of services to their wholesale customers.

The Commission finds that initial comments shall be filed no later than the end of the business day on Wednesday, April 12, 2000.

The Commission will then accept reply comments from interested parties after the April 12, 2000, deadline and on or before Thursday, April 27, 2000, at 5:00 p.m.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that an investigation be commenced on the issues and decisions necessary for the implementation of wholesale service performance standards for incumbent local exchange carriers.

IT IS FURTHER ORDERED that all interested parties are invited to comment on these issues no later than Wednesday, April 12, 2000, at 5:00 p.m. Parties filing comments shall do so by filing five hard copies and one electronic copy on disk in WordPerfect 5.0 or later format. Filings will not be accepted via facsimile.

IT IS FURTHER ORDERED that reply comments may be filed after April 12, 2000, and on or before April 27, 2000 at 5:00 p.m. Parties commenting, shall file five hard copies and one electronic copy on disk in WordPerfect 5.0 or later format. Filings will not be accepted via facsimile.

IT IS FURTHER ORDERED that Docket No, C-1128, Progression Order No. 5 should be, and is hereby, closed and the comments filed in that docket shall be made a part of the record in this docket, subject to each parties' comments supplementing, amending or rescinding those comments.

MADE AND ENTERED in Lincoln, Nebraska on this 21st day of March,  
2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director