

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

The Commission, on its own) Docket No. C-2534/PI-50
motion, to examine the)
potential noncompliance with) ORDER SEEKING COMMENT
Commission orders entered in)
Docket No. C-1878/PI-23.) Entered: November 6, 2001

BY THE COMMISSION:

On May 23, 2001, the Commission, on its own motion, opened the above-captioned docket to examine the potential noncompliance with the Commission's March 2, 1999, order which established a statewide policy for multiple dwelling unit (MDU) access in Nebraska.

As a result of the initial order opening the present proceeding, all certificated carriers were required to submit for review by the Commission copies of all contracts that such carriers have entered into with multiple dwelling units.

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

Upon review of the contracts submitted and in consideration of the substantial number of complaints that the Commission has received from residents of MDUs regarding their inability to obtain the carrier of their choice, the Commission is of the opinion and finds that the Commission needs to review and enforce its policy in the area of MDUs.

Accordingly, the Commission would like comment from interested parties on or before December 10, 2001, on the following issues:

1. Are there carriers currently violating the Commission's March 2, 1999, order?
2. If so, how are such carriers violating the Commission's order?
3. What steps can and/or should the Commission take to ensure future compliance?
4. Does the Commission need to better define what is considered as Aexclusionary contracts and marketing agreements?@ (If so, please provide suggested definitions.)
5. Does the Commission need to clarify that ALL such contracts are prohibited, including those that were entered into prior to March 2, 1999?
6. Does the Commission have the authority to order such retroactive prohibition?
7. If the Commission does not have such authority, how should the Commission proceed in providing for competition in MDUs under contract prior to March 2, 1999?

8. Should the Commission expand its current MDU policy to include Multi-tenant Environments (MTEs)?
9. Please comment on any other relevant issue that may need to be addressed in the area of MDUs.

Upon the review of the requested comments, the Commission may find it necessary to have certain carriers appear before the Commission to further explore questions or concerns that remain. However, when and if such action is necessary, the Commission will provide appropriate notice prior to said hearings.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that interested parties shall provide comments on the above-outlined issues on or before December 10, 2001.

IT IS FURTHER ORDERED that all parties filing such comments shall provide an original plus five copies in WordPerfect format, as well as an electronic copy for the Commission's review.

MADE AND ENTERED at Lincoln, Nebraska this 6th day of November, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director