

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-4459/PI-185
Public Service Commission, on) Progression Order No. 2
its own motion, to investigate)
and monitor compliance with) ORDER
federally mandated)
intercarrier compensation)
reform.) Entered: October 10, 2012

BY THE COMMISSION:

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

On November 18, 2011, the Federal Communications Commission (FCC) released a Report and Order and Further Notice of Proposed Rulemaking¹ ("Report and Order") and therein adopted an intercarrier compensation framework for both intrastate and interstate telecommunications traffic which will transition to a bill and keep regime. As a part of the transition to bill and keep the FCC's Report and Order requires carriers to reduce their terminating intrastate access rates to the level of their interstate switched access rates in two steps. In the first step, carriers with certain intrastate access rates above interstate access rates are required to reduce their intrastate rates thereby reducing the intrastate revenue produced by these rates by 50 percent effective July 1, 2012.² Certain carriers have advised the Commission that the FCC extended the effective date for changes to interstate rates to be July 3, 2012, as July 1, 2012, falls on a Sunday.³

In its Report and Order, the FCC assigned state commissions with the responsibility to facilitate the implementation of changes to intrastate access rates and to ensure carrier

¹ See *In the Matter of Establishing Just and Reasonable Rates for Local Exchange Carriers et al.*, WC Docket No. 07-135 et al. Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011)(Report and Order).

² See 47 C.F.R. §§ 51.907(b), 51.909(b) and 51.911(b).

³ See *July 3, 2012, Annual Access Charge Tariff Filings*, WCB/Pricing File No. 12-07 Order, DA 12-482 (Wireline Comp. Bur., rel. March 28, 2012). The Commission has been further advised that some carriers have agreed to the July 3, 2012, effective date for incumbent local exchange carriers. Since many competitive carriers mirror incumbent carrier access rates and for administrative tracking purposes, the Commission will use the July 3, 2012, date as the deadline by which all access tariff changes should be considered effective.

compliance with the Report and Order. To that end, the Commission opened this proceeding to establish an efficient process by which the Commission could review the large number of simultaneous access filings and at the same time assist carriers in complying with the FCC's new rules.

Revised tariffs were required to be filed in time to be considered effective July 3, 2012. However, because of the limited time frame provided for the Commission's review of the revised access rates, those access reductions were to be considered interim for a period of time (either 90 days or 120 days) following the July 3, 2012, effective date and subject to true-up to the extent that the Commission determined that the submitted rates require modification.

On August 31, 2012, the FCC issued an Order to investigate certain 2012 annual access tariff filings. The FCC identified a list of carriers subject to the investigation. In addition, the FCC established a timeline for interested carriers to file their direct case, for other carriers to file oppositions, and for the named carriers to file rebuttals. Rebuttal filings are due by October 25, 2012. The Commission anticipates the FCC will require carriers to make certain changes to their tariffs as a result of the investigation or in the alternative find that the calculations were acceptable.

The Commission enters this Order to clarify the procedure for filing a changed or an updated tariff at the Commission consistent with the direction given by the FCC. This Order only affects the limited number of carriers' tariffs which will be re-filed as a result of this investigation. Those carriers should file their modified tariffs with the Commission with an interim effective date ten (10) days following the filing date. The revised tariff filings must include:

1. One paper copy of the revised tariff pages filed with the Commission;
2. One electronic copy of the revised tariff in PDF format sent to deena.ackerman@nebraska.gov; and
3. One revised completed electronic copy of the FCC-approved (Tariff Review Plan or "TRP") reporting worksheet, as applicable, in Excel format sent to

deena.ackerman@nebraska.gov.⁴ Paper copies or PDF scans of the worksheet will not be accepted.

Because there is an opportunity for carriers to file oppositions with the FCC in its investigation, there will be no specified period of time allotted for protests or interventions at the Commission. The modified rates will be considered interim until further notice and subject to any true-up requirements specified by the FCC.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission in the above-captioned matter that the findings made herein shall be and they are hereby adopted.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of October, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

⁴ Confidential materials must be clearly marked.

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schean

David L. Uy

//s//Rod Johnson

Chairman

Rod Johnson

ATTEST:

Michael J. 1/28

Executive Director

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