

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter for Declaratory) Application No. C-4858/
Order of Qwest Corporation) DR-0007
d/b/a CenturyLink QC, United)
Telephone Company of the West)
d/b/a CenturyLink and Dex)
Media, Inc., seeking a)
determination that Neb. Admin.)
Code, Title 291, Chap. 10,)
§019.01 et seq.; Title 291,)
Chap. 5, §002.22A and 010.09;) ORDER
and Title 291, Chap. 10,)
§006.07A be clarified or)
waived entirely or partially)
to permit compliance by)
digitally published)
directories, including online,)
rather than traditional paper)
printing and publication.) Entered: December 6, 2016

BY THE COMMISSION:

On July 21, 2016, Qwest Corporation d/b/a CenturyLink QC, United Telephone Company of the West d/b/a CenturyLink ("CenturyLink") and Dex Media, Inc. ("Dex Media"), (collectively referred to as "Petitioners") filed an application seeking a determination that Neb. Admin. Code, Title 291, Chapter 1, §019.91 et seq.; Title 291, Chap. 5, § 002.22A and 010.09; Title 291, Chap. 10, §006.07A be clarified or waived entirely or partially to permit compliance by digitally published directories, including online, rather than traditional paper printing publication. Notice of this petition appeared in the Daily Record, Omaha, Nebraska, on July 27, 2016. No protests or petitions of formal intervention were filed.

On October 18, 2016, the Commission held a workshop to discuss the Petitioners' need for relief and proposal. As discussed further below, the Commission grants the request for Declaratory Rulings, interprets the meaning of § 002.22A and finds that a waiver should be granted with respect to §§ 010.09 and 006.07A permitting compliance through digitally published directories unless otherwise requested.

The Petitioners claim paper directories are no longer as valuable as they once were for finding phone numbers. In support of this claim, the Petitioners cite to a recent CDC state report

showed that in 2014, 46.5% of Nebraska households were wireless, and that Nebraskans' subscription to voice service provided by ILECs declined nearly two-thirds over a 15-year period, while their purchase of voice service from non-ILECs increased 150% in a similar period. In addition, petitioners state that subscribership of mobile voice service increased over 200% from 576,000 to 1.8 million, which is over four times the total ILEC subscribership in the state. With the shift of consumers from ILECs to VoIP and wireless, directories are less complete than they once were, as only ILEC listings are typically available for inclusion in the traditional directories.

Additionally, consumers today have access to numerous directory alternatives, including: independent directory publishers, Internet and mobile applications, and traditional directory assistance, of which many are available at no cost to the consumer, being supported by advertising.

Today, consumer preferences for directory services are changing as the technology moves forward. As consumers increasingly turn online for finding phone numbers instead of to paper directories, directory publishers should be allowed to serve this consumer demand by moving online themselves.

Petitioners claimed that online services are already largely preferred by consumers, Dex Media already publishes its directory online at www.DexPages.com, and just 0.78% of consumers requested white pages delivery last year in Omaha. Petitioners stated that two years ago 78 percent of Nebraskans used high-speed Internet access. Additionally, the availability of free directory assistance ensures that even absent traditional print directories, consumers who do not have Internet access will still have free access to telephone directories. Petitioners further argue that since consumer preferences have largely moved away from print directories, the impact of a waiver for CenturyLink and Dex Media will have a minimal impact.

For those consumers that want to have a printed directory, Dex Media proposes to continue to provide print directories upon request until such time as the request rates become so small that it is uneconomic to continue paper printing. Bill notices or attachments from CenturyLink will notify the customers in advance of transition, and the customers will be told how they can call Dex Media on a toll-free "800" number to request a print directory for free.

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

Dex Media is not a common carrier or a telecommunications carrier under Nebraska law. Accordingly, it is not regulated by the Commission. CenturyLink is a common carrier of telecommunications services operating in Nebraska and is generally subject to the Rules and Regulations of the Commission in Title 291, Chapter 5. Dex Media, under contract with CenturyLink, prints and distributes directories. Through this relationship, Dex Media and CenturyLink jointly request an interpretation of the Commission's rules.

The Commission has the authority to interpret the scope and meaning of its rules and regulations pursuant to Neb. Rev. Stat. § 75-118.01. Here, the Commission was asked to determine whether Neb. Admin. Code, Title 291, Chapter 5, § 002.22A is satisfied by the availability of directories online and the free delivery of printed directories upon request as opposed to the traditional practice of saturation delivery of printed directories to every access line subscriber.

Section 002.22A, one of the relevant sections, reads as follows:

002.22A One exchange alphabetical directory for each access line shall be made available, without charge, to all access line customers. The listings of customers in the foreign exchanges to which extended area service is provided shall also be made available to all access line customers. Where such listings are not included in the exchange directory, the exchange carrier shall inform customers how such listings may be obtained. Inclusion of all listings for the calling area within a single volume is recommended.

Upon consideration of the aforementioned rule, the Commission finds that the Commission's rules do not specifically require that printed directories be delivered to all access line consumers. Rather § 002.22A requires that a directory be available to or readily obtainable by all access line customers.

While the "make available" language in this provision does not require saturation delivery to all access line subscribers, the Commission interprets this rule to mean that all access line

subscribers must have the ability to readily obtain a paper copy free of charge. Consumers must also know how and where to obtain paper copies of the directories. CenturyLink, in coordination with Dex Media, must ensure that consumers have access to readily obtainable paper copies.

The Commission finds, based upon the information provided and the commitments made by the Petitioners, directories will continue to be available as consumers will continue to be able to obtain a paper directory by calling a toll-free number or requesting one online via the Dex Media website. Dex Media plans to notify consumers in coordination with CenturyLink through a bill insert. Consumers will also be able to contact Dex Media using the printed directory delivered this last year. We find that it is important for this notice to be prominent and continuous, at least until consumers understand this transition. Accordingly, the Commission believes notice in a single year may not be sufficient. The Commission finds CenturyLink/Dex Media must notify subscribers via a bill insert on an annual basis going forward.

We further note that this order does not grant a waiver of the requirement to make directories available to all consumers upon request. Dex Media proposed to continue to provide print directories upon request until such time as the request rates become so small that it is uneconomic to continue paper printing. Dex Media must either seek a waiver from the Commission, or petition the Commission to change § 02.22A, prior to any decision to stop printing directories.

The Petitioners also request a Declaratory Order or waiver of the Commission's printed directory informational requirements. Chapter 5 § 10.09, relative to the Commission's Telecommunications Relay Program for the Deaf and Hard of Hearing provides:

010.09 Directory Requirements: Telephone companies shall provide printed information in telephone directories at no charge regarding relay services.

010.09A Required Information: The information listed in telephone directories shall contain information on the following:

010.09A1 Connecting to the relay, including a reference to 711 dialing;

010.09A2 Access numbers, including but not limited to TTY, Voice, ASCII, Fast ASCII, Speech to Speech, Spanish and Customer Service;

010.09A3 A reference to the NSTEP program including contact numbers for the PSC and the Nebraska Commission for the Deaf and Hard of Hearing and application information.

Similarly, Neb. Admin. Code Title 291, Chapter 10, § 006.07, related to the Nebraska Telephone Assistance Program (NTAP) for low-income subscribers provides:

006.07 Directory: Telecommunications companies that offer NTAP and telephone directory services shall provide printed information describing such programs in telephone directories.

006.07A Required Information: The information listed in telephone directories shall contain information on the following:

- (1) Voluntary toll blocking; and
- (2) Availability of reduced deposits.

006.07B Directory Index: If the telephone directory provided by a telecommunications company that offers Lifeline and/or Link-Up services contains an index, a reference to the information regarding such services shall be listed in the index.

Sections 010.09 and 006.07 require carriers to provide *printed* directories with certain information pertaining to the Commission's Telecommunications Relay and NTAP Programs in order to provide subscribers with important information about the availability of these services. The Commission is willing to grant a waiver of these requirements as long as subscribers will continue to receive this important information. We note that these programs are changing and the information provided in the directory is a beneficial way to inform subscribers of the eligibility criteria and the services available. We find that §§ 006.07 and

010.09 are waived for the Petitions with the following requirements:

1. CenturyLink shall continue to be responsible for providing its subscribers with printed information describing the Lifeline/NTAP program and the information contemplated by § 006.07 in the printed directory where provided, and in an alternative written format such as a bill insert on an annual basis.
2. Centurylink shall continue to be responsible for providing its access line subscribers with printed information describing the Telecommunications Relay program and the information contemplated by Section 010.09 in the printed directory where provided, and in an alternative written format such as a bill insert on an annual basis.
3. Dex Media shall continue to include this information in the printed directories provided to subscribers requesting the printed version.

The Commission retains jurisdiction over this matter to ensure that directory listings are made available to all access line customers. If the Commission later determines that directories are not being made available as § 002.22A requires, the Commission may revisit this issue either through an investigation or a rulemaking.

O R D E R

IT IS THEREFORE ORDERED that that the opinion and findings described herein be and they are hereby adopted.

IT IS FURTHER ORDERED that the Commission maintains jurisdiction over this matter to ensure that directory listings are made available to all access line customers as required by Neb. Admin. Code, Title 291, Chapter 5, § 002.22A.

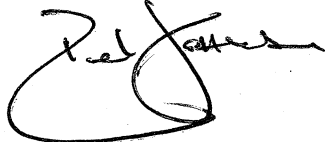
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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day
of December, 2016.

COMMISSIONERS CONCURRING:



//s//Frank E. Landis

//s//Tim Schram

NEBRASKA PUBLIC SERVICE COMMISSION



Chairman

ATTEST:



Deputy Director