

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	Application No. C-4952
Application of Citizens	)	
Telecommunications Company of	)	
Nebraska for a determination	)	
that Neb. Admin. Code, Title	)	
291, Chapter 1, §019.91 et	)	
seq.; Title 291, Chap. 5,	)	
§002.22A and §010.09; Title	)	ORDER
291, Chap. 10, §006.074A be	)	
clarified or waived entirely	)	
or partially to permit	)	
compliance by digitally	)	
published directories,	)	
including online, rather than	)	
traditional paper printing	)	
publication.	)	Entered: March 6, 2018

BY THE COMMISSION:

On October 18, 2017, Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska ("Frontier") filed an application seeking a determination that Neb. Admin. Code Title 291, Chapter 1, §017.91 et seq.; Title 291, Chapter 5, §002.22A and §010.09; Title 291, Chapter 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 application appeared in The Daily Record, Omaha, Nebraska, on October 23, 2017. On February 2, 2018, a Motion to Accept Late-Filed petition for Informal Intervention was filed by Dex Media, Inc. ("Dex Media"). That motion was granted and Dex Media was permitted to informally intervene in this proceeding.

On February 6, 2018, the Commission held a hearing on the application in Lincoln, Nebraska. Mr. Scott Bohler presented testimony on behalf of Frontier. Mr. Loel Brooks entered an appearance on behalf of Dex Media.

Frontier seeks the same waiver granted to Qwest Corporation d/b/a CenturyLink QC, United Telephone Company of the West d/b/a CenturyLink ("CenturyLink"), and Dex Media in Docket C-4858/DR-0007. On November 26, 2016, the Commission granted CenturyLink's petition with conditions. On April 18, 2017, the Commission revised those conditions. Frontier seeks similar relief with the same conditions.

In support of the application, Mr. Bohler testified that Frontier's experience was similar to that of CenturyLink in that the desire for printed directories is rapidly declining. In response to that, Frontier would like to be able to dispense with the general distribution of printed directories for all customers. Frontier is not asking for any different treatment than CenturyLink requested and received.

Responding to questions from Commissioners, Mr. Bohler stated if a customer requested a printed directory, Frontier would provide one at no charge. The customer would need to call Frontier and Frontier would mail a directory to the customer. Mr. Bohler further testified that Frontier's experience to date is that the demand for printed directories is small. Frontier is not anticipating the need to have a lot of directories on hand. Mr. Bohler testified that Frontier went through a similar proceeding in Minnesota two years ago.

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

Frontier 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. Frontier prints and distributes four directories in Nebraska. Publishing dates vary for each directory.

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. Frontier must ensure that consumers have access to readily obtainable paper copies.

The Commission finds, based upon the information provided and the commitments made by Frontier, directories will continue to be available as consumers will continue to be able to obtain a paper directory by calling a toll-free number. Frontier must notify consumers through a clear and conspicuous bill message of this option. To that end, the Commission further requires Frontier to work with the Commission staff on the bill message characteristics. The Commission staff and Frontier shall jointly submit a draft bill message to the Commission for approval.

The Commission further finds that it is important for this notice to be continuous. Accordingly, the Commission believes notice in a single year may not be sufficient. The Commission finds Frontier must notify subscribers via a bill message on an annual basis going forward.

Frontier also requests a 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 may be waived with the following requirements:

1. Frontier shall continue to be responsible for providing its subscribers with printed information describing the Lifeline/NTAP program and the information contemplated by § 006.07. This Order does not diminish its requirement to comply with Neb. Admin. Code, Title 291, Chapter 10, § 006.08 which requires it to "advertise the availability of [NTAP] services through a bill insert or prominent bill message on an annual basis." Frontier must continue this practice of notifying subscribers of its NTAP service offering.
2. Frontier shall continue to be responsible for providing its access line subscribers with information describing the Telecommunications Relay program and the information contemplated by § 010.09 in the printed directory provided automatically or upon request, or in an alternative written format such as a bill message or insert on an annual basis.

We further note that this order does not grant a waiver of the requirement to make directories available to all consumers upon request. Frontier must either seek a waiver from the Commission, or petition the Commission to change § 02.22A, prior to any decision to stop printing directories. We further require Frontier to provide the Commission with reasonably advanced notice of its filing so that in the event that the request is granted, consumers have at least six (6) months advance notice prior to the discontinuance.

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.

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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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6<sup>th</sup> day of March, 2018.

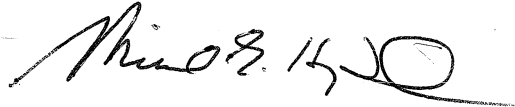
COMMISSIONERS CONCURRING:



NEBRASKA PUBLIC SERVICE COMMISSION

  
Chair

ATTEST:

  
Executive Director