

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Formal Com-)	Application No. FC-1237
plaint of Business Telecommuni-)	
cations Systems vs. US West Commu-)	DISMISSED
nications.)	AS SATISFIED
)	Entered: May 18, 1993

BY THE COMMISSION

This matter came before the Commission upon the filing November 30, 1992 of a Formal Complaint by Business Telecommunications Systems (BTS), a Grand Island, Nebraska company, against US West Communications (USW). The complaint alleged that USW was denying BTS access to a previously available ANI (Automatic Number Identification) Code. BTS uses the ANI Code to test whether its customers' telephone lines correctly have the number assigned to them. USW allegedly restricted that access and precipitated BTS's complaint.

USW timely filed an answer December 14, 1992 generally denying the allegations and further described a USW program then in development which would make ANI codes available to vendors (such as BTS) under contract which would include satisfactory security practices. This new security system was to be in effect by the first quarter of 1993. Hearing on the complaint was set for February 2, 1993. Preceding this date, the parties agreed among themselves that access to the ANI Code previously granted to BTS would be reinstated and would remain in effect pending the outcome of this complaint proceeding.

On February 8, both parties filed a motion and stipulation. The motion sought that the hearing date previously scheduled for February 2nd (which was informally continued) be continued indefinitely based on the stipulation by the parties that USW would report to the Commission by May 3, 1993 whether its proposed security system described above would take effect and make ANI Codes available to BTS and vendors like it. The hearing was subsequently postponed to an indefinite time.

USW responded May 3, 1993 with a report to the Commission as stipulated. We find that the report states USW adopted a new policy April 24, 1993 covering the distribution of ANI Codes. These Codes will be provided without charge to non-affiliated customer premises equipment vendors (such as BTS), non-affiliated authorized agents, enhanced service providers, and inside wire providers, each of whom agrees to be bound by the conditions listed below.

The ANI Codes must be treated as confidential information utilized solely for the purpose of providing telecommunications services to USW customers. In order to obtain the ANI Codes, non-affiliates must execute an agreement which will require them to use the Codes only for the purpose of providing telecommunications services to customers and which will deny them future access to the

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Codes in the event of misuse. Under the agreement, non-affiliates will also indemnify USW against any loss that might result from their use of the Codes. The report attached a copy of the agreement for use by USW and its grantees.

Finally, USW reported that upon execution of the agreement described above, the ANI Code would be made available to BTS under terms contained therein. Upon closing this docket, USW further pledged to implement the new access policy to non-affiliated authorized agents, enhanced service providers, inside wire providers and customer premise equipment vendors who request the provision of ANI Codes and who agree to be bound by USW's new policy.

OPINION AND FINDINGS

Upon consideration of the pleadings, the stipulation, the report filed by US West Communications, and being fully informed, the Commission is of the opinion and finds:

Based on the information before us, the proposed resolution to this formal complaint is fair and reasonable, is in the public interest, and therefore the formal complaint should be dismissed as satisfied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. FC-1237 be, and it is hereby, dismissed as satisfied.

IT IS FINALLY ORDERED that US West Communications and Business Telecommunications Systems abide by the contents of this order and by the stipulation and report as both relate to the order.

MADE AND ENTERED at Lincoln, Nebraska this 18th day of May, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING

Daniel G. Mueller
Duane D. Gay

//s//Frank E. Landis, Jr.
//s//James F. Munnelly

Frank E. Landis, Jr.
Chairman

ATTEST:

John R. G. [Signature]
Executive Director