

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-62
Public Service Commission,)
requiring Qwest Corporation to)
Show Cause as to why its)
Nebraska eligible telecommun-) ORDER TO SHOW CAUSE
ications carrier designation)
relating to the Nebraska)
Telehealth Program, should not)
be revoked.) Entered: October 17, 2006

BY THE COMMISSION:

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

The Nebraska Telehealth Program was established by Commission order in Docket NUSF-26.¹ The Commission, by order designated Qwest Corporation and other local exchange carriers and interexchange carriers as eligible telecommunications carriers as it relates to the Nebraska Telehealth Program.² The Commission directed and empowered the NUSF Department staff to disburse support to eligible telecommunications providers, to take any steps necessary to ensure the Telehealth support payments are being used only for the intended purpose and to ensure compliance with the approved Telehealth plan.³ Eligible carriers are required to place credits on the billing statements to the relevant hospital when support should be retroactive.

Qwest has participated in the Telehealth Program by bidding and contracting with certain hospitals to provide them with network connectivity. In particular, Qwest has contracted to provide service to the Faith Regional Health Services Hub Telehealth Network, to University of Nebraska Medical Center Hub Telehealth Network, and Saint Francis Medical Center.

Qwest has, on numerous occasions, inaccurately billed the above referenced hospitals over an extensive period of time and has refused to correct erroneous bills for the retroactive period of July 1, 2005 through June 30, 2006. Qwest has not complied with the Commission's Telehealth funding procedures by

¹ See *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish a Long-Term Universal Service Funding Mechanism*, NUSF-26, PROGRESSION ORDER NO. 3 (December 17, 2002)(NUSF-26).

² See *In the Matter of the Nebraska Public Service Commission seeking to determine Nebraska Eligible Telecommunications Carrier status for the purposes of receiving state universal service support for providing Lifeline/Link-Up Services and Telehealth Services to Rural Hospitals*, NUSF-35/PI-69 (April 29, 2003) at 6.

³ See NUSF-26 ORDER APPROVING TELEHEALTH PLAN (September 8, 2004) at 2.

failing to file appropriate documentation with the Department so that a support schedule may be issued in an adequate and timely manner. Qwest is continuing to inaccurately bill certain hospitals. Attached to this order as Attachment A is a list of outstanding Telehealth funding issues which Qwest has been unable to resolve in a reasonable and timely fashion with the Commission.

Over the course of the past year, the hospitals and the Commission staff have spent considerable amounts of time attempting, without success, to correct the billing problems created by Qwest on behalf of the hospitals.

Qwest's inability to correct the billing issues has caused significant amounts of universal service support to be held by the Universal Service Administrative Company (USAC). USAC has notified Commission staff that it will not give reimbursement for the current funding year until the invoices have been corrected retroactively.

Qwest's billing errors create an inability of the participants in the program to first avail themselves of federal support prior to seeking support from the NUSF, as required by Commission order.⁴

All telecommunications carriers are required to comply with the general rules of the Commission including those that require a carrier to render accurate billing statements. All telecommunications carriers are expected by the Commission to maintain an adequate level of fitness to provide the services they have been authorized by their certificate of authority to provide.

The Commission, the Commission staff, and the hospitals, have attempted unsuccessfully to resolve these issues with respect to Qwest's billing accuracy for the Telehealth Program through informal means. Accordingly, the Commission is of the opinion and finds that this Order to Show Cause should be issued. Qwest is required to demonstrate to the Commission why its designation as an eligible telecommunications carrier for the purpose of the Telehealth Program should not be revoked for its failure to correct the billing issues brought to its attention by the Commission.

Qwest must file a response to this Order to Show Cause on or before **November 17, 2006**. A hearing on this Order to Show Cause will be held on **December 14, 2006** at 1:30 p.m. in the

⁴ See *id.*

Commission Hearing Room, Lincoln, Nebraska. Qwest must file with the Commission all invoices for the hospitals listed in Attachment A to this Order for the data period of June 28, 2005 through November 31, 2006 on or before **December 7, 2006**.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Qwest Corporation be and it is hereby Ordered to Show Cause why its Nebraska Eligible Telecommunications Carrier Designation for the Telehealth Program should not be revoked.

IT IS FURTHER ORDERED that Qwest Corporation file a written response to this Order to Show Cause on or before **November 17, 2006**.

IT IS FURTHER ORDERED that Qwest must file with the Commission all invoices for the hospitals referenced in Attachment A for the time periods described above, on or before **December 7, 2006**.

IT IS FURTHER ORDERED that Qwest Corporation appear for a hearing on this matter, scheduled for **December 14, 2006, at 1:30 p.m.**, in the Commission Hearing Room, 300 The Atrium, 1200 "N" Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska this 17th day of October, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director