

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on) RULE AND REGULATION NO. 187
its own motion, seeking to amend)
Title 291, Chapter 5,)
Telecommunications Rules and) ORDER OPENING DOCKET AND
Regulations, to add rules regarding) SEEKING COMMENT
adequacy of service and prohibiting)
call blocking and choking.)
Entered: July 17, 2012

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission), on its own motion, opens this proceeding to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding adequacy of service provided by telecommunications carriers and prohibiting call blocking and choking pursuant to the Nebraska Telecommunications Regulation Act, Neb. Rev. Stat. § 86-101 et. seq. Under the provisions of the Act, the Commission is given the authority to promulgate rules and regulations for purposes of administering the Act.

Accordingly, the Commission opens this rulemaking proceeding and releases proposed amendments, which are set forth in Appendix A, incorporated herein by this reference.

Comments on the proposed amendments shall be filed by interested parties on or before **3:00 p.m., August 17, 2012**. Parties filing comments should file one original with five (5) paper copies and one (1) electronic copy emailed to deena.ackerman@nebraska.gov and nichole.mulcahy@nebraska.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that interested parties may file comments on or before 3:00 p.m. on **August 17, 2012**. Commenting parties shall file one original and eight paper copies along with one electronic copy. Electronic copies should be emailed to nichole.mulcahy@nebraska.gov and deena.ackerman@nebraska.gov.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of July, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

APPENDIX AAmendments to Nebraska Administrative Code, Title 291, Chapter 5,
Telecommunications Rules and Regulations002.02 Adequacy of Service:

002.02A Each exchange carrier shall provide adequate access line service. In determining whether the access line service provided by an exchange carrier is adequate, the Commission's consideration will include, but shall not be limited to, the adequacy of the carrier's plant and equipment, the number and nature of service interruptions, trouble reports, customer complaints and held applications, the nature of access line service offered by the carrier and the nature of the access line services desired by the public served.

002.02B Adequate service shall include not subjecting any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage in the provisioning of service.

002.02BC In the event of a dispute between a subscriber or subscribers and an exchange carrier regarding the adequacy of the access line service provided, the carrier shall make such investigations as required by the particular case, and report the results to the subscriber. In the event the dispute is not reconciled, the exchange carrier, or the subscriber affected, may make application to the Commission for a determination of the dispute.

002.02CD Each exchange carrier shall employ appropriate engineering and administrative procedures to determine the adequacy of access line service being provided to its customers.

002.02DE Traffic studies shall be made and records thereof maintained to the extent and frequency necessary to determine that sufficient equipment and adequate operating forces are provided.

002.02EF Each exchange carrier shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up-to-date and checked periodically to determine whether adjustments are necessary to maintain proper balance in all trunk and equipment groups.

002.02FG Local access line service furnished by means of line concentrators or subscriber carrier equipment at a given exchange shall be substantially equivalent to that furnished other subscribers at that exchange served by means of normal physical loops.

002.02CH Each exchange carrier shall continually review its operations to assure that the access line service provided is adequate.

002.02I No exchange carrier shall engage in any practice, including blocking, choking, reducing, or otherwise restricting telecommunications traffic to particular locations, that has the effect of degrading service to a particular location, including for purposes of avoiding any certain rate, charge, or fee. Each exchange carrier shall be responsible for the acts omissions, or failures of their officers, agents or other persons acting for or employed by the carrier.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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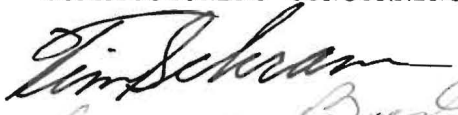


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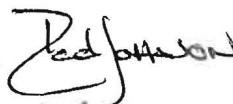
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//s// Rod Johnson