

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its)	RULE AND REGULATION NO. 190
own motion, seeking to amend Title 291,)	
Chapter 5, Telecommunications Rules and)	ORDER OPENING DOCKET, RELEASING
Regulations, to adopt rules in accor-)	PROPOSED RULES, SEEKING COMMENT
dance with Nebraska Legislative Bill)	AND NOTICE OF HEARING
1091 [2012] regarding electronic)	
remittances.)	ENTERED: December 4, 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, hereby opens this proceeding to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 1091 passed in 2012 by the Nebraska Legislature regarding the Telephone Relay System (TRS) program. Under the provisions of LB 1091, the TRS surcharge will be collected and remitted by prepaid wireless telecommunications services pursuant to the Prepaid Wireless Surcharge Act and not under the provisions of the Telecommunications Relay System Act. Further, the proposed rule will make the TRS surcharge remittance procedure consistent with other surcharges remitted to the Commission by requiring electronic payment of surcharge remittances.

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

Comments on the proposed amendments shall be filed by interested parties on or before **3:00 p.m., January 11, 2013**. 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.

The Commission finds that this matter should be set for hearing on **Tuesday, January 22, 2013, at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this rulemaking amending Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 1091 passed in 2012 by the Nebraska Legislature and electronic remittances regarding the Telephone Relay System (TRS) program be, and it is hereby, open for public comment.

IT IS FURTHER ORDERED that interested parties file comments on or before **3:00 p.m., January 11, 2013**. 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.

IT IS FURTHER ORDERED that this matter be set for hearing on **Tuesday, January 22, 2013, 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 4th day of December, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

APPENDIX

Amendments to Nebraska Administrative Code, Title 291, Chapter 5, Telecommunications Rules and Regulations:

010 NEBRASKA TELECOMMUNICATIONS RELAY SYSTEM:

010.01 Purpose: Provide a statewide telecommunications relay system and a statewide voucher program for the provision of specialized telecommunications equipment for qualified deaf, hard of hearing, or speech-impaired persons in Nebraska which enables them to communicate twenty-four (24) hours per day, seven (7) days per week, including holidays, with other persons who use conventional telephone systems.

010.02 Statutory Authority: This section is adopted pursuant to the Telecommunications Relay System Act.

010.03 Scope: Any person using NTRS shall not be charged for access to such system other than charges billed for in-state and out-of-state long-distance telephone service. NTRS shall at a minimum provide statewide in-state calls with charges for long-distance calls billed to the person making the call in a manner which the Commission determines will recover the cost of long-distance calls to the system; out-of-state calls with charges billed to the person making the call; and emergency calls.

010.04 Commission Authority: Procedures involving the administration of NTRS shall be governed by the Nebraska Telecommunications Relay System Rules and the Rules of Commission Procedure unless otherwise prescribed by order of the Commission. The Commission may enter into contracts with other agencies or private organizations to operate NTRS and NSTEP.

010.04A Administrative Fines: The Commission may administratively fine pursuant to Neb. Rev. Stat. Section 75-156 any person who violates the Act.

010.05 Forms: The Commission will specify, by order, the manner in which information shall be filed with the Commission. Upon a showing of good cause, the Program Administrator may accept information filed in a manner other than prescribed in a Commission order.

010.06 Telecommunications Relay Surcharge: Each telephone company and provider of wireless service in Nebraska shall collect from each of the telephone subscribers with a surcharge not to exceed twenty (20) cents per month on each telephone number or functional equivalent in Nebraska, including wireless service.

010.06A Exemption: The surcharge authorized by this section shall not apply to prepaid wireless telecommunications services as defined in the Prepaid Wireless Surcharge Act.

010.06AB Relay Surcharge Shown on Subscriber Bills: The surcharge shall appear as a separate line-item charge on the subscriber's billing statement and shall be labeled as "Telecomm Relay Surcharge" or "Relay Surcharge."

010.06BC Annual Surcharge Rate Determination:

010.06BC1 Public Hearing: Before April 1 of each year the Commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the provisions of the Act.

010.06BC2 Rate: After such hearing as required in Section 010.06B1, the Commission shall set the surcharge at the level necessary to fund the statewide NTRS and NSTEP for the following year plus a reasonable reserve.

010.06BC3 Effective Dates: The surcharge set pursuant to 010.06B1 and 010.06B2 shall become effective for the next fiscal year beginning July 1.

010.06BC4 Limitation: The surcharge rate shall not exceed twenty cents (0.20) per month on each telephone number or functional equivalent in Nebraska, including wireless service. Except for wireless service, the surcharge shall only be collected on the first one hundred (100) telephone numbers or functional equivalent per subscriber. The companies shall add the surcharge to each subscriber's local telephone bill.

010.06BC5 Emergency Rate Setting: In an emergency the Commission may adjust the amount of the surcharge after a public hearing for such purpose.

010.06CD Nebraska Telecommunications Relay System Fund: The fund shall consist of the surcharges credited to the fund, any monies appropriated by the Legislature, any federal funds received for telecommunications relay systems, and any other funds designated for credit to the fund.

010.07 Remittance:

010.07A ~~Filing Requirements~~ Remittance Worksheets: ~~The proceeds from the surcharge shall be remitted to the Commission~~ Remittance worksheets shall be received by the Department no

later than thirty (30) days after the end of the remittance period, ~~in which they were collected pursuant to the period prescribed or elected pursuant to section 010.07B, as applicable, together with the forms approved by the Commission.~~ In the event the thirtieth (30th) day falls on a weekend or holiday, the remittance form ~~and surcharge proceeds~~ shall be due on the next business day.

010.07B Filing Options:

010.07B1 Monthly: Telephone companies and providers of wireless service shall remit the TRS surcharge on a monthly basis to the TRS Fund except as provided in sections 010.07B2 and 010.07B3.

010.07B2 Quarterly: A telephone company or provider of wireless service whose monthly remittance amount is less than twenty-five dollars (\$25) may elect to remit on a quarterly basis.

010.07B3 Annually: A telephone company or provider of wireless service whose monthly remittance amount is less than twenty-five dollars (\$25) may elect to remit on an annual basis. The period for annual remittances shall run July 1 through June 30, with the surcharge remittance due on July 30 annually.

010.07B4 Filing Election: A telephone company or provider of wireless service whose monthly remittance amount is less than twenty-five dollars (\$25) must notify the Commission in writing of its election to remit quarterly or annually prior to the remittance period.

010.07C Remittance to the Fund: Except as provided in Rule 010.07C1, all remittances shall be transferred electronically to the Nebraska State Treasurer. Remittances shall be received by the Nebraska State Treasurer no later than thirty (30) days after the end of the remittance period in which they were collected pursuant to the period prescribed or elected pursuant to section 010.07B, as applicable. In the event the thirtieth (30th) day falls on a weekend or holiday, the electronic remittance shall be due on the next business day.

010.07C1 Department Initiated Remittances: A telephone company or provider of wireless service may elect to have the Department initiate the electronic transfer of such company's remittance to the Fund.

010.07C2 Authorization and Banking Information: A telephone company or provider of wireless service electing to have the Department initiate the electronic transfer of remittance to the Fund shall provide the necessary authorization and banking information required by the Program Administrator.

010.07C3 Initiation of Transfer: The receipt of a telephone company or provider of wireless services' remittance worksheet will result in the Department's initiation of the electronic transfer of the telephone company's or provider of wireless services' remittance to the Fund if the appropriate indication is made on said remittance worksheet. Said electronic transfer will be done in accordance with authorization granted to the Department by the company or provider of wireless services.

010.07CD Remittance by Commission: The Commission shall remit the proceeds from the surcharge to the State Treasurer for credit to the Fund.

010.07DE Audits: The Commission may require an audit of any telephone company collecting the surcharge pursuant to the Act.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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IT IS FURTHER ORDERED that this matter be set for hearing on Tuesday, January 22, 2013, 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 4th day of December, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tom Schram

Harold L. Vap

//s//Rod Johnson

Chairman

Rod Johnson

ATTEST:

John Burvane

Executive Director