

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application Nos. C-2112/PI-30
Application of the Commission,) C-2696/PI-57
on its own motion, to)
conduct an investigation)
into specific areas of)
concern in the provisioning) ORDER CLOSING DOCKET AND
of payphones in the state of) MERGING RECORD INTO
Nebraska.) APPLICATION NO. C-2696/PI-57
)
The Commission, on its own motion,)
seeking to conduct an)
investigation into payphone)
pricing in the state of Nebraska.) Entered: March 19, 2002

BY THE COMMISSION:

On August 31, 1999, the Commission opened Application No. C-2112/PI-30 to investigate various issues related to the provisioning of payphones in the state. Comments were requested and filed in February 2000, on issues of technical requirements in the provisioning of payphones and on pricing issues. Upon examination of the comments, the Commission focused its investigation on the relationship of Qwest and ALLTEL with their wholesale payphone customers and on the specific technical and pricing issues that were raised.

Initially, the Commission examined the technical issues including tonal requirements, such as situational information tones (SIT), fast-busy tones, secondary dial tones and cut-off-on-disconnect tones. Upon agreement of all the parties who participated in the proceedings, and with the concurrence of the Commission, it was decided that technical issues between Qwest and ALLTEL with their wholesale payphone customers should be resolved in an agreement that encompassed the following:

First, Qwest and ALLTEL agreed that they would designate a primary contact person for their respective wholesale payphone customers. By providing a designated primary contact person, the parties felt that the streamlined communication would be beneficial in identifying and resolving specific technical disputes. Both Qwest and ALLTEL have made such designations.

Second, if any technical issues persisted, the Commission's designated technician would be consulted to aid in problem identification and dispute resolution.

While the Commission reserved the right to intervene should any of the parties fail to live up to the agreement of designating a primary technician and to commit to resolve identified technical problems promptly, Qwest and ALLTEL were dismissed from the docket as it specifically relates to the resolution of the specified technical issues.

In the area of pricing, the Commission began its review by examining the pricing structure of both ALLTEL and Qwest. When ALLTEL agreed to reduce the rate for Selective Class of Call Screening to \$2.50 per month, effective March 1, 2001, ALLTEL was dismissed from the proceeding. The Commission continued its investigation of Qwest payphone pricing until such time as the Federal Communications Commission (FCC) issued its decision in the Wisconsin Public Service Commission "new services test" proceeding.¹ (Wisconsin Order).

As a result of the Wisconsin Order, and the directives therein, the Commission is of the opinion and finds its review of payphone pricing should be reopened for ALL carriers. In an effort to expeditiously move this effort forward, the Commission believes that it should close the current Application No. C-2112/PI-30 and open a new proceeding in Application No. C-2696/PI-57 to address the impact of the Wisconsin Order.

Therefore, the Commission hereby opens Application No. C-2696/PI-57 to review payphone pricing for ALL carriers. A copy of this order will be served on all local exchange companies within the state, as well as all known independent payphone providers.

¹ In the Matter of the Wisconsin Public Service Commission, FCC 02-25, adopted January 28, 2002; released January 31, 2002.

In order to conclude this review in a prompt fashion, the Commission would like comments on:

- a. Applicability of "new services" test² to Nebraska,
- b. Proposed payphone loop pricing methodologies,
- c. Telecommunications equipment necessary to provide payphone service,
- d. UNE elements to be included in the provision of payphone service, and
- e. Costs and/or functionalities that make payphone loops different from local loops

Further, the Commission hereby requires all companies currently providing payphone service in Nebraska, to provide information on:

- a. Number of payphones by exchange, and
- b. Number of payphones within city limits, by exchange

Initial comments and the data requested above should be filed with the Commission on or before April 19, 2002. Reply comments will then be accepted through May 10, 2002.

Upon review of the comments and data, the Commission staff will prepare and release a staff proposal. Parties will then be allowed one final round of comments that will be due 30 days thereafter.

The Commission will then hold a public hearing on this matter within approximately 30 days after the final round of comments.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2112/PI-30 should be, and is hereby, closed.

² See Amendment of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket No. 89-79, Report and Order and Order on Further Reconsideration and Supplemental Notice of Proposed Rulemaking, 6 FCC Rcd 4524 (July 11, 1991); *In the Matter of Telephone Company-Cable Television Cross-Ownership Rules*, CC Docket No. 87-266, Mem. Opinion and Order on Reconsideration and Third Further Notice of Proposed Rulemaking, 10 FCC Rcd 244, 340-47, paras. 209-22 (Nov. 7, 1994) (defining new services test).

IT IS FURTHER ORDERED that the Commission is hereby, opening Application No. C-2696/PI-57 to review payphone pricing for ALL carriers in light of the release of the FCC's Wisconsin Order.

IT IS FURTHER ORDERED that all interested parties file comments as set forth herein.

IT IS FURTHER ORDERED that all companies currently providing payphone service in Nebraska provide the requested payphone data as set forth herein.

IT IS FINALLY ORDERED that the record in Application No. C-2112/PI-30 should be, and is hereby, made a part of Application No. C-2696/PI-57.

MADE AND ENTERED in Lincoln, Nebraska on this 19th day of March, 2002.

COMMISSIONERS CONCURRING: NEBRASKA PUBLIC SERVICE COMMISSION

Chair

ATTEST:

Executive Director