BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own motion, seeking to establish methods for the collection and remittance of the Telecommunications Relay System Surcharge by carriers offering prepaid wireless services.	)	Application No. C-4281 PI-171 ORDER OPENING DOCKET SEEKING COMMENT AND SETTING WORKSHOP Entered: June 15, 2010

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 docket to investigate and establish methods for the collection and remittance of the Telecommunications Relay System (TRS) Surcharge by carriers offering prepaid wireless services as required by the Telecommunications Relay System Act, Neb. Rev. Stat. § 86-301, et seq. (Reissue of 2008).

The Telecommunications Relay System Act[1] (TRS Act) gives the Commission authority regarding the administration and management of the TRS and the TRS Fund, including the collection and remittance of the TRS Surcharge from telecommunications subscribers to provide a statewide telecommunications system and voucher program for specialized equipment for deaf, hard-of-hearing, and speech-impaired citizens of Nebraska.

The TRS Act states in part,

> Each telephone company in Nebraska shall collect from each of the telephone subscribers a surcharge not to exceed twenty cents per month on each telephone number or functional equivalent in Nebraska, including wireless service as defined in section 86-456.01. [2]

Informal inquiries by the Commission revealed that confusion exists with prepaid carriers regarding the TRS Surcharge, specifically if prepaid subscribers are required to remit the TRS Surcharge and the methodology available to prepaid carriers to accomplish such remittances.

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[1] See Neb. Rev. Stat. § 86-301 et seq.

[2] Neb. Rev. Stat. § 86-313(1)(a).

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In another proceeding, the Commission considered the issue of collecting surcharges from prepaid wireless subscribers and remitting them to another fund administered by the Commission. Recognizing the inherent differences between traditional telephone service and prepaid service, the Commission adopted collection and remittance methods specifically for prepaid carriers.[3]

Therefore, the Commission proposes adopting the prepaid remittance methodology adopted by the Commission for the enhanced wireless 911 surcharge for use with the TRS Surcharge remittances.[4] Under the system proposed by the Commission for use with the TRS surcharge, prepaid wireless carriers will use one of the following two (2) methods:

a) The wireless carrier shall divide the total earned prepaid wireless telephone revenue received by the wireless carrier within the monthly reporting period by fifty dollars and multiply the quotient by the surcharge amount;

b) The wireless carrier shall collect on a monthly basis the surcharge from each customer's active, prepaid account. A customer with two or more active, prepaid accounts shall be assessed a separate surcharge for each active, prepaid account.

Consistent with the enhanced wireless 911 surcharge remittance procedures,[5] the Commission further proposes along with the two methods outlined above, to allow any prepaid wireless carrier wishing to utilize a method different than the two methods described above, to file with the Commission for approval a detailed description of an alternative method it wishes to use.

The Commission hereby requests that interested parties file written comments on the above proposals on or before **5:00 p.m., July 14, 2010.** Parties filing comments should file one (1) original, one (1) paper copy and one (1) electronic copy emailed to deena.ackerman@nebraska.gov.

The Commission further finds that a workshop should be scheduled for **Wednesday, July 28, 2010, at 10:00 a.m.** in the

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[3] *See* Docket 911-031, *In the Matter of the Commission, on its own motion, to establish surcharges assessed on users of prepaid wireless service and, methods for the collection and remittance of surcharges from carriers offering prepaid wireless services.*

[4] *Id.* Docket 911-031, Order Clarifying and Modifying Methods of Collection and Remittance, (July 1, 2008).

[5] *Id.*

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Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, to allow all interested parties an opportunity to comment on the proposed methodology for collection and remittance by prepaid subscribers and carriers the TRS Surcharge.

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.

The Commission hereby opens this investigation to investigate and establish methods for the collection and remittance of the Telecommunications Relay System (TRS) Surcharge by carriers offering prepaid wireless services.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a public investigation is hereby opened as captioned above.

IT IS FURTHER ORDERED interested parties shall file comments on or before **5:00 p.m., July 14, 2010,** as detailed above.

IT IS FURTHER ORDERED that that a workshop in the above-captioned docket be, and it is hereby, scheduled for **Wednesday, July 28, 2010, at 10:00 a.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of June, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s// Frank E. Landis
//s// Tim Schram

Vice Chairman

ATTEST:

Executive Director

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