

NE Statutes – basis for Service Quality

86-101. Act, how cited.

Sections 86-101 to 86-163 shall be known and may be cited as the Nebraska Telecommunications Regulation Act.

Source: Laws 2002, LB 1105, § 2; ; Laws 2003, LB 2, § 1. ;

86-123. Quality and rate regulation.

(1) The commission shall regulate the quality of telecommunications service provided by telecommunications companies and shall investigate and resolve subscriber complaints concerning quality of telecommunications service, subscriber deposits, and disconnection of telecommunications service. If such a complaint cannot be resolved informally, then, upon petition by the subscriber, the commission shall set the matter for hearing in accordance with the commission's rules and regulations for notice and hearing. The commission may by order grant or deny, in whole or in part, the subscriber's petition or provide such other relief as is reasonable based on the evidence presented at the hearing. Any such order of the commission may be enforced against any telecommunications company as provided in sections 75-140 to 75-144, and such order may be appealed by an interested party. The appeal shall be in accordance with the Administrative Procedure Act.

(2) The commission may regulate telecommunications company rates pursuant to sections 86-139 to 86-157.

(3) The Nebraska Telecommunications Regulation Act shall preempt and prohibit any regulation of a telecommunications company by counties, cities, villages, townships, or any other local governmental entity.

Source: Laws 1986, LB 835, § 9; ; Laws 1997, LB 660, § 10; ; R.S.1943, (1999), § 86-809; ; Laws 2002, LB 1105, § 24; ; Laws 2003, LB 187, § 26. ;

86-125. Communications providers; registration; requirements; administrative fine.

Notwithstanding the provisions of section 86-124:

(1) All communications providers providing service in Nebraska shall file a registration form with and pay a registration fee to the Public Service Commission. A communications provider which provides such service prior to August 1, 2007, and which continues to provide such service on and after August 1, 2007, shall register with the commission no later than January 1, 2008. Any communications provider which begins to provide service in Nebraska on or after August 1, 2007, shall register with the commission prior to providing such service;

(2) The commission shall prescribe the registration form to be filed pursuant to this section. Communications providers as defined in subdivision (8)(a) of this section shall provide:

(a) The name, address, telephone number, and email address of a contact person concerning the Nebraska Telecommunications Universal Service Fund Act and related surcharges, if applicable;

(b) The name, address, telephone number, and email address of a contact person concerning the Telecommunications Relay System Act and related surcharges, if applicable;

(c) The name, address, telephone number, and email address of a contact person concerning the Enhanced Wireless 911 Services Act and related surcharges, if applicable; and

(d) The name, address, telephone number, and email address of a contact person concerning consumer complaints and inquiries;

(3) Communications providers as defined in subdivision (8)(b) of this section shall provide the commission with the name, address, telephone number, and email address of a person with managerial responsibility for Nebraska operations;

(4) The communications provider shall submit a registration fee at the time of submission of the registration form. The commission shall set the fee in an amount sufficient to cover the costs of administering the registration process but not to exceed fifty dollars;

(5) The communications provider shall keep the information required by this section current and shall notify the commission of any changes to such information within sixty days after the change;

(6) The commission may administratively fine pursuant to section 75-156 any communications provider which violates this section;

(7) This section applies to all communications providers providing service in Nebraska except for those communications providers otherwise regulated under the Nebraska Telecommunications Regulation Act; and

(8) For purposes of this section, communications provider means any entity that:

(a) Uses telephone numbers or Internet protocol addresses or their functional equivalents or successors to provide information of a user's choosing by aid of wire, cable, wireless, satellite, or other like connection, whether part of a bundle of services or offered separately, (i) which provides or enables real-time or interactive voice communications and (ii) in which the voice component is the primary function; or

(b) Provides any service, whether part of a bundle of services or offered separately, used for transmission of information of a user's choosing regardless of the transmission medium or technology employed, that connects to a network that permits the end user to engage in electronic communications, including, but not limited to, service provided directly (i) to the public or (ii) to such classes of users as to be effectively available directly to the public.

Source: Laws 2002, LB 1211, § 8; ; Laws 2007, LB661, § 1.; Operative date August 1, 2007

Commission Rules and Regulations applying to Service Quality

002.02 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.

002.03 Interruptions of Service:

002.03A Each exchange carrier shall make all reasonable efforts to prevent interruptions of access line service. When interruptions occur, the exchange carrier shall re-establish access line service with the shortest possible delay consistent with the physical conditions encountered, the available work forces and with normal safety practices.

002.03B Each exchange carrier shall keep a record of all access line service interruptions or acute irregularities of access line service whenever reported to it or whenever the duration of a found access line service interruption exceeds twenty-four (24) hours. The record shall include appropriate identification of the customer or access line service affected, the date, time, duration, extent and cause of the interruption. The carrier shall furnish reports to the Commission upon request and shall inform the Commission as soon as possible of any occurrence of an unusual nature which apparently will result in prolonged and serious interruption of access line service to a large number of customers.

002.03C In the event the customer's access line service is interrupted other than by the negligence or willful act of the customer and it remains interrupted for a period in excess of twenty-four (24) hours after being reported or found to be interrupted, the carrier shall, upon request, or pursuant to direction of the Commission, refund the pro rata portion of the month's charge for the period of days during which such access line service was interrupted. Provided, however, if access line service is interrupted as the result of widespread disaster, and other than by the negligence or willful act of the exchange carrier, no refund shall be required unless the access line service remains interrupted for a period in excess of seven (7) days. No exchange carrier shall charge or collect any further rates for such service that was affected during the interruption of service. An exchange carrier may, in its discretion, refund such sum without request or Commission direction and for a lesser period of access line interruption. This refund may be accomplished by a credit on a subsequent bill for local exchange service.

002.04 Trouble Reports:

002.04A Each exchange carrier shall receive or provide a reasonable means for receipt of customer and/or access line trouble reports daily on a twenty-four (24) hour basis.

002.04B Each exchange carrier shall keep a record of trouble reports made by its customers. This record shall include appropriate identification of the customers or access line service affected, the time, date and nature of the report, the action taken, the date and time of trouble clearance or other disposition and the identification of the person making final disposition. The carrier shall furnish reports to the Commission upon request.

002.04C It shall be the objective to so maintain access line service that the average rate of all access line trouble reports in an exchange is no greater than six (6) per one hundred (100) access lines per month, based on a six (6) month period. In the event this average trouble rate reaches eight (8) per month, in a particular exchange, it shall be the responsibility of the exchange carrier serving that exchange to develop a plan to improve service in the exchange with the objective being to reduce trouble reports to acceptable levels.

002.04D In the case of access line service interruptions, each exchange carrier shall provide repair service daily consistent with the bona fide needs of the customer and the personal safety of exchange carrier personnel.

002.08 Maintenance Program:

002.08A Each exchange carrier shall adopt and pursue an adequate maintenance program, which includes provision for periodic tests, inspections and preventive maintenance for the purpose of insuring rendition of adequate service at all times.

002.23 Records:

002.23A All records required by these rules, unless otherwise specified herein, shall be preserved for the period of time specified by the Federal Communications Commission's Records Retention Schedule.

002.23B Each exchange carrier shall maintain records of its operations in sufficient detail as is necessary to permit review of its operation to assure the furnishing of adequate service. Such records shall be made available for inspection by the Commission upon request at any time within the period required for the retention of such records.

NPSC Memos on Service Quality

GH 12/26, 1995 Memo

Nebraska Public Service Commission

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December 26, 1995

TO: All Certified Carriers

At its weekly meeting held on December 19, 1995, the Commission adopted the attached service outage reporting requirements. Effective January 1, 1996, these procedures will provide notification to the Commission of service outages by local exchange companies and interexchange carriers operating in Nebraska.

Should you have questions, after reviewing the requirements, please contact our office. Thank you.

Yours very truly,

A handwritten signature in cursive script, reading "Maurice Gene Hand".

Maurice Gene Hand
Director of Communications

MGH:rp

Attachment

COMMISSIONERS:
LOWELL C. JOHNSON
ROD JOHNSON
FRANK E. LANDIS
JAMES F. MUNNELLY
DANIEL G. URWILLER

EXECUTIVE DIRECTOR:
ROBERT R. LOGSDON

Service Outage Reporting Requirements

1. Each company shall report to the Public Service Commission, orally or in writing any service interruptions described below in subsection (5) within one hundred twenty (120) minutes of the company's discovery of such interruptions. If the Commission is closed at the conclusion of the one hundred twenty (120) minute period and the interruption has not been reported, the company shall report the interruption within one hundred twenty (120) minutes of the Commission's opening for business. In its initial report the company shall provide the following information:
 - (a) The date and time of the interruption;
 - (b) The geographic area affected;
 - (c) Cause of the outage and estimated restoration time, if known;
 - (d) Estimated number of working access lines affected by the outage.
2. If the interruption extends beyond five (5) days, interim reports containing the information required by subsection (1) shall be submitted to the Commission every five (5) days beginning five (5) days from the start of the interruption.
3. A final written report shall be submitted to the Commission within thirty (30) days from the date of restoral of service. In that final report the company shall provide the following information:
 - (a) The date and time of the interruption;
 - (b) The geographic area affected;
 - (c) Actual restoration date and time;
 - (d) The name of the affected central office(s) along with the switch manufacturer(s);
 - (e) The type of equipment or facility involved with the outage if the outage is not central office related;
 - (f) Number of working access lines affected;
 - (g) The number of customer reports received related to the outage, if readily available;
 - (h) Description of corrective action taken.
4. If the initial or interim written report contains the information required in subsection (3) and is marked as Initial or Interim and Final report, no subsequent report is required.

5. For the purposes of reporting under this rule, a service interruption is defined as one or more of the following:

- (a) Any service outage of a company's (LEC's) intraLATA long distance facilities for more than thirty (30) minutes.
- (b) A service outage for thirty (30) minutes or longer affecting an exchange or five hundred (500) working lines in any NXX per central office excluding planned and scheduled outages under thirty (30) minutes.
- (c) Complete loss of EAS or toll trunk groups in a central office for thirty (30) minutes or longer.
- (d) Loss of local distribution facilities affecting service to one hundred (100) or more of the working lines in an exchange for thirty (30) minutes or longer.
- (e) Any service outage of company operated 911 equipment or facilities which causes isolation of working lines in any exchange from 911 access for thirty (30) minutes or longer.
- (f) The loss of service to airports, military facilities, or hospital facilities affecting public safety.

SERVICE OUTAGE

COMPANY _____ TAKEN BY _____

DATE _____

TIME _____

GEOGRAPHIC AREA _____

CAUSE OF OUTAGE _____

RESTORATION TIME _____

ESTIMATED NUMBER OF AFFECTED LINES _____

COMPLETION DATE _____

COMMENTS _____
