

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on) RULE AND REGULATION NO. 172
its own motion, seeking to amend)
Title 291, Chapter 5,)
Telecommunications Rules and) ORDER ISSUING CERTIFICATE OF
Regulations, to add rules regarding) ADOPTION FOR THIRD SET OF
customer billing practices.) PROPOSED RULES.
)
)
)
) Entered: November 24, 2009

BY THE COMMISSION:

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

On May 19, 2009, the Nebraska Public Service Commission (Commission), on its own motion, opened the above-captioned proceeding to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding customer billing practices pursuant to the Nebraska Telecommunications Regulation Act, *Neb. Rev. Stat.* § 86-101 et. seq. Interested parties were given until June 30, 2009, to file written comments. A workshop on the proposed rules was held on August 6, 2009. A second set of proposed rules were issued on September 1, 2009. Interested parties were given until October 12, 2009, to file written testimony or comments. A hearing was held on the proposed rules on October 19, 2009 in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska. Notice of the hearing was published in the Daily Record and the Lincoln Journal Star.

The proposed rules attached hereto as Appendix A reflect the change to Rule 002.17 regarding customer billing. Parties potentially affected were present at the hearing and had opportunity to make comments. Minor changes were made based on testimony and comments received at hearing. The word "penalties" in section 002.17A was changed to "interest or late payment fees". Language was added to the end of section 002.17C to clarify the Commission's position that the provisions do not apply to initial service periods. Both changes were made for clarification purposes only and were not substantive. Further, it was agreed to clarify in this order the Commission's interpretation that the Telecommunications Rules and Regulations have not heretofore been applied to commercial services provided pursuant to negotiated contract and the same interpretation applies to the proposed rules as attached.

Based upon the written comments filed and comments received at hearing, another hearing regarding this matter is not necessary and the Commission adopts the revisions proposed. The Commission finds that the third set of rules proposed in the Appendix should be adopted.

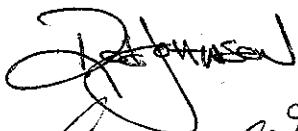


O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a certificate of adoption for the proposed rules set forth in the Appendix be issued.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of November, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

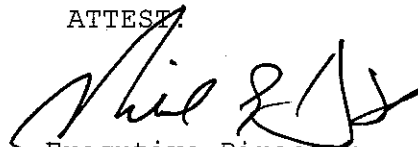
COMMISSIONERS CONCURRING:

//s// Frank E. Landis


Chairman

ATTEST:


Executive Director

APPENDIX

Make the following revisions to Nebraska Administrative Code, Title 291, Chapter 5, Telecommunications Rules and Regulations, Rule 002.17 and renumber existing subsections:

002.17 Customer Billing:

002.17A Bills to customers shall be prompt and accurate, rendered regularly consistent with the carrier's tariff and shall contain a clear listing of all charges. An ~~written~~ itemized listing of the services being subscribed to and their monthly rates, written or upon request of the customer, electronic, where available, shall be provided as a part of the initial bill or when service is ordered and subsequently upon reasonable request of the customer. No carrier shall impose interest or late payment fees for delinquent payment less than twenty (20) days from the date of billing.

002.17A1 "Prompt and accurate" billing shall mean that any charges for telecommunications services shall not be older than one hundred and eighty (180) days prior to the date of the first monthly billing statement or invoice that reflects such charges. The requirement of prompt billing shall not operate to curtail the rights of any telecommunications provider to collect payment for telecommunications services rendered and timely billed, and shall not operate to curtail the rights of any telecommunications provider to bill and collect for services obtained by fraud or other misconduct on the part of the customer regardless of when such bills are first submitted.

002.17B Billing Adjustments: For all billing adjustments resulting in a charge to the customer, a carrier must offer a reasonable amount of time for payment.

002.17C Final Bills: Upon termination of service, either customer or carrier initiated, the carrier shall cease charging the customer for services and equipment as of the date of termination and shall refund the pro rata portion of the month's charges for the period of days remaining in the billing period after termination of service to the customer. This section shall not apply to a minimum initial service period not to exceed one month.

002.17BD If a dispute between the customer and the exchange carrier occurs regarding any bill, ~~prompt~~ an investigation will be made and the results given to the customer. During the investigation, disconnection of service will not occur provided the balance of the bill not in dispute is paid. If the investigation does prove the disputed billing is correct under the regulations of the Commission, and the customer still will not pay the amount due, the exchange carrier may then disconnect service. The customer, or the exchange carrier, may make application to the Commission for review. Their decision will be final, subject only to legal redress as the parties involved may choose to exercise. The Commission may prohibit such disconnection pending judicial review of the dispute.

