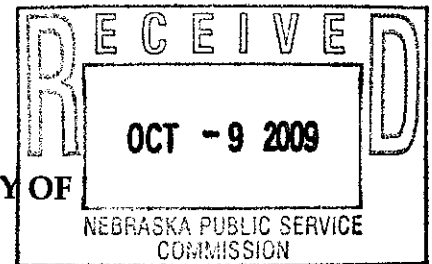


BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding customer billing practices.

Rule and Regulation No. 172



**COMMENTS OF UNITED TELEPHONE COMPANY OF
THE WEST d/b/a EMBARQ**

On May 19, 2009, the Nebraska Public Service Commission ("Commission") issued an Order Opening Docket and Seeking Comment in the above referenced proceeding, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations in regards to customer billing practices. Several parties, including United Telephone Company of the West d/b/a Embarq ("Embarq") filed comments and the Commission subsequently held a public workshop to discuss the proposed rules. The Commission issued a revised set of proposed rules on September 1, 2009. The Commission now plans to hold a hearing on the proposed rules and requests interested parties to file testimony. Embarq appreciates the opportunity to participate in this matter and does not intend to offer a witness at hearing. Instead, Embarq provides the Commission with the following written comments for its consideration.

These comments focus primarily on proposed Rule 002.17C. This proposed new rule would require local exchange companies ("LECs") to pro rate

a customer's final bill when service is terminated either by the customer or the carrier.

1. Rule 002.17C will Create an Incentive for LECs to Cease Providing Certain Valuable Service Offerings to Customers.

Embarq believes Rule 002.17C would have the unintended consequence of preventing, or at least discouraging, LECs from offering certain business incentives and discounts. Often LECs will offer discounts to business customers that purchase services through contracts, with the provision that the customer is subject to termination fees if the customer cancels service prior to the end of the contract. As proposed, Rule 002.17C may result in LECs being unable to assess a termination fee to a business customer purchasing services through such a contract, because they would not be able to recoup some of the costs of the discounts through an early termination fee. Rule 002.17C therefore creates an incentive for LECs to cease providing the valuable option of term discount plans to business customers, which will ultimately harm the customer.

2. Rule 002.17C will Create Customer Confusion and Additional Cost for LECs

In addition, Rule 002.17C would require carriers to provide a refund to customers for the unused portion of the month's charges for service and equipment. However, many customers often also receive a final bill for charges for usage based services or services that are not billed in advance. Customer

confusion will likely result, because customers would receive a refund check *and* a final bill. Moreover, LECs will incur additional expense to issue a refund and a final bill, as well as field customer questions that will almost certainly result.

3. Rule 002.17C will Place LECs at a Competitive Disadvantage

Finally, Rule 002.17C would place LECs at an unfair competitive disadvantage. Many of Embarq's competitors are not subject to the Commission's jurisdiction and therefore, any requirements regarding the pro-ration of the final bill would not apply to these competitors. Indeed, many of these competitors do not pro-rate the customer's final bill currently. Rule 002.17C would put Embarq and other similarly situated LECs at a competitive disadvantage.

The playing field should be level. If a LEC chooses not to pro-rate the final bill, it can work with the customer to determine an appropriate termination date that will work best, which may include changing the termination date to the end of the bill cycle. If billing will continue to the end of the bill cycle, customers are still able to choose a termination date that works best for them. Competition and the marketplace will work to ensure that the customer is not harmed; regulation by the Commission is not needed.

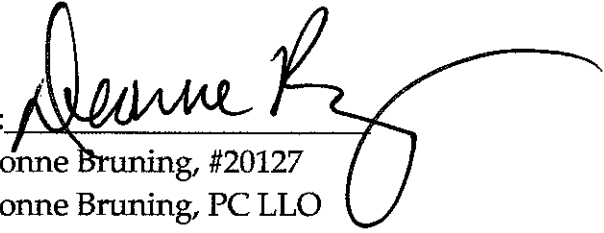
For the reasons noted above, Embarq urges the Commission not to adopt proposed rule 002.17C. However, should the Commission still believe there is a

harm to customers that should be addressed, Embarq suggests that the proposed Rule not apply to services provided under contract offerings and that it allow LECs to offset refunds against any final charges. Embarq offers the following language which addresses these issues:

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 or credit to the final bill 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 rule does not apply to early termination fees included as part of a contract between the carrier and a business customer.

Respectfully submitted this 9th day of October 2009.

By:



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 9, 2009 the foregoing Comments of United Telephone Company of the West d/b/a Embarq in Rule and Regulation No. 172 was hand-delivered to the Nebraska Public Service Commission at 1200 N Street, Suite 300, Lincoln, Nebraska and a copy of the same was mailed via U.S. Mail, First Class Postage-Prepaid to the following:

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