

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on) RULE AND REGULATION NO. 177
its own motion, seeking to amend)
Title 291, Chapter 5, Telecommuni-)
cations Rules and Regulations, to)
adopt rules regarding filing of)
agreements containing terms for)
provision of regulated telecommuni-) ORDER CLOSING DOCKET
cation services at rates or charges)
different from the rates and)
charges for such services contained)
in a carrier's tariff on file with)
the Commission.) ENTERED: April 26, 2011

BY THE COMMISSION:

On September 8, 2010, 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 adopt rules regarding filing of agreements containing terms for provision of access services at rates or charges different from the rates and charges for such services contained in a carrier's tariff on file with the Commission.

The Commission released a first set of proposed rules and regulations and requested comments from interested parties. Based upon the comments received, revisions to the proposed rules were made and a second set of proposed rules and regulations were released for comment and a hearing scheduled.

On February 25, 2011, two district court opinions were issued in two appeals dealing with issues surrounding access rate regulation by the Commission.¹ To allow time to determine the impact of the court's order on the proposed rules in the above-captioned docket, the Hearing Officer postponed the comment period and continued the hearing.

Due to the district court orders concerning access regulation, the Commission finds that broader more comprehensive rules regarding access regulation would be more efficient, and a more coherent and consistent discussion of access rate policy preferable. New rules and regulations, including rules similar to those drafted in the above-captioned rulemaking, shall be drafted outlining more comprehensive Commission access rate policies and procedures.

The Commission finds that this docket should be closed. Once a new proposed rules and regulations have been drafted, the Commission will initiate a new rule and regulation docket.

¹ See Docket No. CI 09-4787, AT&T Communications of the Midwest v. Nebraska Public Service Commission, et al., and Docket No. CI 10-2119, AT&T Communications of the Midwest, Inc. and TCG of Omaha, Inc. v. the Nebraska Public Service Commission et al., Order (February 25, 2011).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this docket be, and is therefore, closed.

MADE AND ENTERED in Lincoln, Nebraska, on this 26th day of April, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Red J. Jansal
Anne Boyle
Yerald L. Vay

Tim Schram
Chairman

Phil R. [Signature]
Executive Director

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