

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 adopt rules regarding filing of agreements containing terms for provision of regulated telecommunications 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

Rule and Regulation No. 177

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

On September 8, 2010 the Nebraska Public Service Commission ("Commission") issued an Order Opening Docket and Seeking Comment in the above reference proceeding. In this proceeding the Commission wishes to amend Title 291, Chapter 5, Telecommunications Rules and Regulations in regards to the filing of agreements which contain rates or charges that are different from those contained in a carrier's tariffs that are on file with the Commission. CenturyLink appreciates the opportunity to provide these comments.

The genesis of this proceeding is a complaint between AT&T and Orbitcom.¹ During the complaint, it was revealed that the parties had entered an agreement for the provision of switched access services at rates other than those shown in Orbitcom's tariffs. After the resolution of that complaint proceeding, the Commission opened a docket to investigate the existence of unfiled agreements for intrastate switched access services, on January 10, 2010.² The Commission subsequently closed that investigation on August 31, 2010, citing confusion and disagreement regarding Commission policy in regards to the filing of access agreements that are outside a carrier's tariff.³ The Commission opened this rulemaking to clarify the Commission's rules regarding agreements for intrastate access services at rates and charges that are different from those contained in the tariffs.

CenturyLink believes that the proposed rules, as written, contemplate *any* such agreement. Because the Commission's concerns stemmed from the possible existence of unfiled agreements for intrastate switched access services, CenturyLink suggests modifying the proposed language to limit the focus of the

¹ See, Application No. FC-1332, *In the Matter of the Formal Complaint of Orbitcom, Inc., seeking a determination that AT&T Communication of the Midwest, Inc. failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate access tariff.*

² See, Application No. C-4238/PI-157, *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate unfiled agreements for Intrastate Switched Access Service at rates than those contained in a carrier's tariff on file with the Commission, Order Opening Docket.*

³ See *id.*, Order Closing Investigation.

rule to such agreements. CenturyLink therefore suggests the following language:

002.21K Special Contracts: A carrier rendering regulated intrastate switched access telecommunications services under a contract that charges, demands, collects or receives a greater, lesser, or different compensation than the rates, fares, and charges specified in its tariff in effect at the time, shall maintain an up-to-date summary list of all such contracts in its tariff schedules. The list shall be designated the list of contracts with deviations and show at least the following information regarding each contract...

Respectfully submitted this 4th day of November 2010.

By: _____

William E. Hendricks
United Telephone Company of the West d/b/a
CenturyLink
805 Broadway Street
Vancouver, WA 98660-3277
Phone: (360) 905-5949
Fax: (360) 905-5953
Tre.Hendricks@CenturyLink.com

FOR UNITED TELEPHONE COMPANY OF
THE WEST d/b/a/ CENTURYLINK