

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 telecommuni-)
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.)

Rule & Regulation No. 177

**COMMENTS OF THE
NEBRASKA TELECOMMUNICATIONS ASSOCIATION**

By Order entered September 8, 2010, the Nebraska Public Service Commission (the "Commission") opened the above docket and seeks comments with regard to proposed rules regarding the filing of agreements containing terms for provision of regulated telecommunication services at rates or charges different from the rates and charges for such services contained in the carrier's tariff on file with the Commission.

The NTA has not been actively involved in prior discussions with the Commission or staff as to the rationale for the release of the proposed rules. It is the NTA's understanding the proposed rules in this docket R & R 177 stemmed from two cases where the "Settlement and Switched Access Service Agreements" between the parties became an issue. The Applications No. FC-1332 and FC-1335 involved Orbitcom, Inc. and AT&T Communications of the Midwest, Inc. The NTA was not a participant in those proceedings. Further, the Commission opened an investigative docket in Application No. C-4238 which focused on contracts between carriers including switched access charges. Neither FC-1332, FC-1335 nor C-4238 dealt with retail contracts between regulated telecommunications carriers and the end user.

It is the NTA's further understanding the proposed rules in this docket (R & R 177) were to be limited to contracts or agreements between carriers relating to switched access service. Presuming the NTA's understanding of the intent of the proposed rules is correct, the NTA would recommend only four minor changes to the rules as drafted. These changes are necessary to clarify the intent of the proposed rules is to address only switched access service. The NTA recommends the proposed rules be amended so as follows:

002.21A Switched Access. For ~~every~~ switched access service that a carrier offers that is regulated by the Commission, the tariff of the carrier shall set out the rates, charges, regulations, terms, and conditions applicable to the switched access service.

A similar modification could be made to Rule 002.21K so that it reads as follows:

002.21K Special Contracts. A carrier rendering ~~regulated telecommuni-~~
~~cations~~ switched access 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 switched access 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~~ switched access service contracts with deviations and show at least the following information regarding each contract:

No changes are required in proposal rule 002.21K1.

The language currently in Rule 002.2K2 could be deleted and the current language from Rule 002.21K3 could be inserted.

002.21K2 The Execution and Expiration Dates. ~~The type of class of service;~~

A similar modification could be made to Rule 002.21K3 by deleting the current language and substituting the current language from Rule 002.21K4 so as to read as follows:

002.21K3. State the most comparable provisions of the switched access tariff and summarize the differences between the tariff sections and the contract; ~~The execution and expiration dates;~~

Section 002.21K4 should then be deleted.

CONCLUSION

The NTA appreciates the opportunity to submit comments in Rule & Regulation No. 177 and looks forward to further participation in the Commission's rule making process. Should the Commission or staff have any further questions, please feel free to contact the undersigned.

DATED this 4th day of November, 2010.

Respectfully submitted,

NEBRASKA TELECOMMUNICATIONS
ASSOCIATION

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