

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 intrastate switched access regulation	RULE AND REGULATION NO. 178
COMMENTS OF UNITED TELEPHONE COMPANY OF THE WEST d/b/a CENTURYLINK, QWEST CORPORATION d/b/a CenturyLink QC, EMBARQ COMMUNICATIONS, INC. d/b/a CENTURYLINK COMMUNICATIONS, AND QWEST COMMUNICATIONS COMPANY, LLC d/b/a CENTURYLINK QCC	

United Telephone Company of the West d/b/a CenturyLink, Embarq Communications, Inc. d/b/a CenturyLink Communications, Qwest Corporation d/b/a CenturyLink QC, and Qwest Communications Company, LLC d/b/a CenturyLink QCC (collectively, "CenturyLink") hereby submit these comments regarding the Second Set of Proposed Rules in Rule and Regulation No. 178, as published on August 16, 2011. The Nebraska Public Service Commission ("Commission") has reviewed all of the comments filed in response to the First Set of Proposed Rules and incorporated some of the suggestions made by the commentors into the Second Set of Proposed Rules. The Commission requests interested parties to file comments on the Second Set of Proposed Rules by September 30, 2011. CenturyLink appreciates the opportunity to provide additional comments to the Commission on this important issue.

In general, CenturyLink appreciates that the Commission carefully considered and incorporated a number of CenturyLink's suggestions into the Second Set of Proposed Rules, and understands that the Commission did not incorporate several other CenturyLink suggestions. CenturyLink continues to believe that those suggestions are

worth considering and incorporates them here by reference. CenturyLink also notes that many of the issues touched on in the Second Set of Proposed Rules are being considered by the Federal Communications Commission (“FCC”) as part of its Further Inquiry into Certain Issues in the Universal Service Intercarrier Compensation Transformation Proceeding,¹ including America’s Broadband Connectivity (“ABC”) Plan.²

CenturyLink believes there are a number of housekeeping changes that the Commission should consider before finalizing these rules. These changes largely involve possible incorrect references to other sections of the proposed rules:

1. Section 014.02E references a publication of notice pursuant to Section 014.02C. However Section 014.02C does not address publication of notice. CenturyLink believes Section 014.02E should reference Section 014.02D.
2. Similarly, Section 014.02F references requests for negotiation received pursuant to Section 014.02C. Section 014.02C does not address requests for negotiations. CenturyLink believes Section 014.02F should reference either Section 014.02D or 014.02E.
3. Section 014.02J references applications for review filed pursuant to section 014.02G. While Section 014.02G does discuss negotiations of intrastate access rates, CenturyLink believes a better reference is section 014.02E, the Section under which a request for negotiations is made.

¹ WC Docket No. 10-90 *et al*

² America’s Broadband Connectivity Plan Framework of the Proposal, filed in WC Docket No. 10-90 *et al*, July 29, 2011

4. Section 014.03C2 references section 014.03C3. However, Section 014.03C3 does not exist. CenturyLink believes Section 014.03C2 should reference Section 014.03C2a.
5. Finally, there are a number of instances in Sections 014.02 and 014.03 where the proposed rules would apply when a company revises its intrastate switched access rates.³ However, in Sections 014.02A and 014.02F the Commission changed “revised” to “increase.” CenturyLink believes that the other instances of “revised” in Sections 014.02 and 014.03 should also be changed to “increased” to ensure consistency within the rules that only applications to increase intrastate switched access rates may undergo a Commission review.

CenturyLink notes that in Section 014.02D the Commission proposes to publish notice of proposed tariff filings for 30 days. However, rate decreases are effective 10 days after filing (under Section 014.02B). Similarly, tariffs that establish intrastate switched access rates become effective 10 days after filing unless the Commission determines the rates are not reasonably comparable to the access rates of other carriers (under Section 014.02C). Therefore, under these proposed rules, there is the potential that tariff filings to establish intrastate switched access rates and tariff filings to reduce switched access rates may become effective before the notice period is complete. CenturyLink suggests that Section 014.02C be modified so that tariffs for new intrastate switched access rates become effective after 30 days, rather than 10 days,

³ See for example, Sections 014.02G, 014.02J, 014.03, 014.03A, 014.03A1, 014.03B, 014.03C.

and that Section 014.02D be modified to eliminate the requirement to publish notice of a rate decrease for 30 days.

Section 014.02E of the proposed rules provides a timeline to carriers that wish to negotiate switched access rates in a proposed tariff filing. CenturyLink believes that such negotiations should be limited to instances where the proposed tariff filing is for the establishment of access rates or an increase in rates and suggests the Commission consider revising the verbiage in this Section accordingly. CenturyLink recommends the Commission consider the following language:

014.02E Request for Negotiations; Written Request: Any interested carrier desiring to negotiate the switched access rates or charges contained in the proposed tariff filing **to establish or increase switched access rates or charges** shall have thirty (30) days from the date of the publication of notice pursuant to 014.02D to submit a written request to negotiate with the carrier that filed the proposed tariff. The carrier that submits a request for negotiation under this section shall simultaneously file a copy of the request with the Director of the Communications Department. All carriers requesting negotiations and the carrier proposing the **new or increased** rates shall cooperate in good faith to facilitate negotiations of the access rates at issue.

CenturyLink also notes that Section 014.03B6 has not changed from the First Set of Proposed Rules. In its comments on the First Set of Proposed Rules, CenturyLink discussed several issues with providing cost support for intrastate switched access rate increases. CenturyLink will not repeat those comments here, but respectfully requests the Commission consider the difficulties in providing the requested cost support for both basic local exchange and intrastate switched access rates.

Respectfully submitted,

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