

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Technology Transitions)	GN Docket No. 13-5
)	
Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers)	RM-11358
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access.)	RM-10593

COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION

The Nebraska Public Service Commission (NPSC) hereby submits these comments in response to the Commission’s Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking (FNPRM) released on August 7, 2015.¹ The NPSC appreciates the opportunity to file comments in this matter.

As the Commission noted, the technology transitions occurring today offer the prospect of innovative and improved services for consumers and businesses alike.² However, it is extremely important that the Commission’s decisions guiding the

¹ See *In the Matter of Technology Transitions, et al.*, GN Docket No. 13-5, et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking (rel. August 7, 2015) (*Technology Transitions FNPRM*); “Wireline Competition Bureau Announces Comment and Reply Comment Dates for the Emerging Wireline Networks and Services Further Notice of Proposed Rulemaking “GN Docket No. 13-5, RM-11358; WC Docket No. 05-25, RM-10593 (September 25, 2015).

² *Id.* ¶ 1.

transitions do not harm consumers' access to reliable and affordable communications service and do not harm the competitors that rely on the underlying facilities. The NPSC has recently had the opportunity to review and discuss the draft comments being filed by the Michigan Public Service Commission (MPSC). The NPSC files these comments in support of MPSC's recommendations.

Establishing Clear Standards to Streamline Transition to an All-IP Environment

The Commission and states must have the tools necessary to analyze whether replacement networks are sufficiently reliable, secure and universal. The NPSC supports the Commission's proposed use of the following criteria for eligibility for an automatic grant of discontinuance pursuant to section 63.71(d)³

- Network Capacity and Reliability;
- Service Quality;
- Device and Service Interoperability including Interoperability with vital Third-Party Services (through existing or new devices);
- Service for Individuals With Disabilities Including Compatibility With Existing Or New Devices;
- PSAP and 9-1-1 Service;
- Cybersecurity;
- Service Functionality; and
- Coverage

³ *Technology Transitions FNPRM ¶ 208.*

However, we agree with MPSC's position that affordability should be considered as one of the criteria for measuring the adequacy of substitute or alternative service. Affordability is a critical component in keeping consumers connected.

Section 214(a) Discontinuance Process

We agree with the MPSC that the deadline should be longer for consumers. Advanced notification to consumers should be calculated to ensure that they have adequate time to research other options and transition to their alternative provider. The NPSC further agrees with the Commission's proposal to require notification to Tribal governments for any discontinuance, reduction or impairment of service in their state.

Copper Retirement Process

The NPSC agrees with MPSC's suggestion that the transition process should be extended 90 days if an interconnecting LEC feels the criteria have not been met. The Commission's focus should be to prevent service disruptions to end user customers.

Termination of Interim Reasonably Comparable Wholesale Access Condition

The NPSC's most recent data demonstrates the number of access lines without competitive alternatives is decreasing. Of the 699,118 lines reported, there were only 63,276 lines in service, or 9.1 percent of Nebraska access lines without competitive alternatives.⁴ Reliance upon commercial wholesale platform services appears to be

⁴ See 2015 Annual Report on Telecommunications, Nebraska Public Service Commission, at page 110. Accessible at: http://www.psc.nebraska.gov/telecom/telecom_annualreports.html.

significant. Accordingly, to maintain the competitive environment and to carry out the competitive goals of the 96 Act, the NPSC strongly recommends the Commission preserve the availability of wholesale access to competitors.

CONCLUSION

The NPSC appreciates the opportunity to provide comments in response to the Further Notice of Proposed Rulemaking. The NPSC looks forward to working with the Commission and the providers to make the transition process beneficial for consumers.

Dated: October 26, 2015.

Respectfully submitted,

Nebraska Public Service Commission

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