

**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**

In the Matter of the Nebraska Public ) Application No. C-5564 / PI-250  
Service Commission, on its own motion, )  
to review and consider modifications to the )  
Commission’s service outage reporting )  
requirements.

**COMMENTS OF COX NEBRASKA TELCOM, LLC**

Cox Nebraska Telcom, LLC (“Cox”) hereby files the following Comments for the Nebraska Public Service Commission’s (“Commission”) consideration in the above-captioned docket, C-5564 / PI-250. These Comments are being filed pursuant to the Commission Order entered April 3, 2024 and respond to the Order, as well as the discussion from the workshop held May 29, 2024. Cox appreciates the Commission seeking written input on this important topic.

**A. The 100 Access Lines Threshold Does Not Fit All**

As the Commission undergoes reviewing its outage reporting standards, Cox would like to take this opportunity to continue the discussion started at the workshop regarding the one hundred (100) access line threshold for reporting purposes. The workshop discussion illustrated the challenge of this threshold when some small exchanges may not have 100 access lines in total that are served by a single provider. An entire community could be without service for days, but the reporting threshold will never be reached. Similarly, challenges exist at the other end of the spectrum for densely populated areas, such as the Omaha metro.

At the workshop, Commission Staff said the 100 access line threshold is a historical one, predating everyone’s recollection. It was suggested the size was set so that it would not capture outages caused by routine acts, such as gardening. However, in a densely populated area like Omaha, the 100 access line threshold is more easily reached than in the rural parts of the state.

One hundred access lines is the lowest threshold of any state where Cox operates. Recognizing the disparity of population density, California uses 50% of a zip code for an outage threshold. However, should the Commission find that threshold overly complicated or burdensome, Cox suggests an easier modification would be to create a tiered system that allows large companies the option of reporting outages at the FCC threshold in minutes of use, rather than by access lines. It was pointed out at the workshop by Lumen, minutes of use for a small exchange may take a week to accrue. However, Cox serves over 100,000 access lines in Nebraska, primarily Omaha and surrounding high density areas. Using the FCC threshold of minutes of use would alert the PSC of voice and PSAP outages affecting this region of Nebraska in a timely, and statistical proven manor for metropolitan areas such as Omaha.

Cox encourages the Commission to structure reporting based on company size. That is, continue using a threshold of 100 access line for small carriers, and even large carriers that serve rural parts of the state, such as Lumen if deemed appropriate. However, Cox asks the Commission to consider using the FCC's standard of minutes of use as an acceptable reporting threshold to account for the population density in the Omaha metropolitan area. Access line counts are annually provided by carriers to the Commission; thus, company sizes are known and kept current.

The Commission has set other policies based on company size, and has established tiered systems. Cox asks that the same opportunity be considered for the outage reporting threshold. As outages based on minutes of use are presently being reported to the FCC, it would be an efficient and cost-effective way for companies to provide outage information to the Commission. If the Commission disagrees with this approach, Cox is open to discussing a system based on zip

codes, as has been implemented in California as another means where population density is taken into consideration.

## **B. Modifications to Section 5(d) are Needed**

(d) Any loss of service to airports, military facilities, schools, hospital facilities, public safety answering points, police stations, fire houses, civic centers, financial institutions, or large-scale shopping centers for thirty minutes or longer.

There was much discussion at the workshop regarding Section 5(d). If notification of an outage is expected to the customers listed in 5(d), Cox agrees with input given at the workshop that there would be an inability to comply. Wireless phone contacts are not kept on customer accounts; thus, there is not a process or method in which to contact these users. Furthermore, business accounts, like those in 5(d) often have multiple locations and services, potentially leading to customer confusion.

Cox echoes the comments made at the workshop that it is not clear how the entities are defined. Civic centers could range from Pinnacle Bank Arena and the CHI Center to a Knights of Columbus Hall. Similarly, it is unknown what is considered a large-scale shopping center. Individual accounts are established for stores within shopping malls, be that indoor, outdoor or strip malls. Schools could be preschools to home schools, and a telecommunications provider may have no knowledge educational services are being provided at the address. A preschool, and certainly a home school may not be discernible by an account name. In other words, it would be extremely difficult to comply with 5(d).

Cox understands the rationale behind 5(d) after listening to the workshop comments. And the ability to reach public safety in times of crisis is extremely important. This feedback to 5(d) is not meant to devalue or lessen the importance of delivering high-quality services to these customers. However, Cox urges the Commission to continue working on this section. As

written, it is unclear the customers that are subject to this provision, and a single-location outage would be defined as a service disruption and subject to reporting requirements. A clear listing of these facilities and contacts from the PSC would be beneficial for compliance measures and implementation costs.

### **C. Revise the Planned and Scheduled Outage Section**

Service interruptions do not include planned and scheduled outages of a duration less than thirty (30) minutes, when notice has been provided to affected customers at least twenty-four (24) hours in advance of the planned and scheduled outage. (Emphasis added.)

Cox concurs with comments made at the workshop regarding the planned and scheduled outage section. Specifically, comments addressing the ‘less than’ verbiage and adding exclusions for maintenance conducted between the hours of 12 AM to 6 AM are sensible changes. A certain level of disruption is necessary in the ordinary course of business to conduct network maintenance and apply system upgrades. The majority of these upgrades are performed to increase customer satisfaction, minimize outages during peak usage and keeping networks safe from cyberattacks. Such work is intentionally scheduled during the overnight hours to minimize customer impact. It would be sensible to exclude planned and scheduled service outages from the policy, and to apply the policy only to those outages that exceed the overnight timeframe.

### **D. Clarify the Commission’s Hours of Operation Under Section 1**

1. Each local exchange carrier certificated in Nebraska (“company”) shall report to the Public Service Commission, orally or in writing, any service interruptions described below in subsection (5) within one hundred twenty (120) minutes of the company’s discovery of such interruptions. If the Commission is closed at the conclusion of the one hundred twenty (120) minute period and the interruption has not been reported, the company shall report the interruption within one hundred twenty (120) minutes of the Commission’s opening for business. (Emphasis added).

Finally, to improve clarity, Cox suggests the Commission add a subpart to Section 1 indicating the Commission's hours of operations and the application of holidays to the outage reporting requirements.

In closing, Cox thanks the Commission for the opportunity to provide comments, and looks forward to further involvement in this docket.

Respectfully submitted this 14th day of June, 2024.

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