

NEBRASKA

PUBLIC SERVICE COMMISSION

COMMISSIONERS:
ERIC KAMLER
CHRISTIAN MIRCH
TIM SCHRAM
KEVIN STOCKER
DAN WATERMEIER



September 23, 2025

TO WHOM IT MAY CONCERN:

RE: RULE AND REGULATION #214: In the Matter of the Commission, on its own motion, seeking to update and amend Title 291, Chapter 5, Telecommunications, in its entirety.

CERTIFICATION

I, Gregory J. Walklin, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered into the proceeding docketed Rule and Regulation No. 214 on the 23rd day of September, 2025. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Telecommunications Director, Cullen Robbins, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 23rd day of September, 2025.

Sincerely,

Gregory J. Walklin
Executive Director



cc: All recipients listed here: <https://psc.nebraska.gov/administration/proposed-rules-regulations>

Gregory J. Walklin, Executive Director
Public Service Commission

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SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its)	Rule and Regulation No. 214
own motion, seeking to update and)	
amend Title 291, Chapter 5,)	ORDER OPENING DOCKET,
Telecommunications, in its entirety.)	RELEASING PROPOSED RULES,
)	SCHEDULING WORKSHOP, AND
)	SEEKING COMMENT
)	
)	Entered: September 23, 2025

BY THE COMMISSION:

The Commission, on its own motion, hereby opens this proceeding to update, revise, and otherwise amend Title 291, Chapter 5 of the Nebraska Administrative Code (“Chapter 5”), of the Commission’s rules and regulations. In opening this proceeding, the Commission seeks to modernize and update Chapter 5, correct typographical errors, and clarify language in this chapter. Chapter 5, relating to Telecommunications, was last revised in 2013, and a number of significant statutory changes have been made since that time. Additionally, the Commission has identified several provisions in Chapter 5 which are unclear, out of date, or otherwise in need of revision.

T O P I C S F O R C O M M E N T

The Commission proposes to amend Title 291, Chapter 5 by making revisions throughout the chapter. As the changes proposed are extensive and substantive in nature, the Commission welcomes feedback from all interested parties. The Commission therefore requests parties file written comments as set forth below. The proposed changes are set forth in Attachment A to this order. For ease of reading, a copy of the proposed changes, without redlines, is attached hereto as Attachment B.¹ A summary of the proposed changes is set forth below.

¹ Because the changes proposed are numerous and result in some reorganization of existing regulations, the Commission encourages commenting parties to reference Attachment B (the “clean” copy) with a page number and proposed regulation number when providing feedback.

1. General Non-Substantive Changes

As set forth in Attachments A and B, the Commission proposes several general stylistic changes. The font and formatting of the chapter were updated in order to comply with current guidelines set forth by the Secretary of State's office. Section and subsection headers were reviewed and, in some cases, added, removed, or adjusted for clarity. Numbers in parentheses following text were removed if duplicative. Language and punctuation were occasionally adjusted for clarity, including adoption of the Oxford Comma throughout the chapter. Additionally, certain sections were reorganized for purposes of clarity, and some subsections were relocated to become their own section.²

Additionally, forms for certain application types and petitions were previously included in Chapter 5. The Commission proposes to remove these sample forms in lieu of publicly available forms on the Commission website, which may be updated on a more frequent basis.

Because many proposed changes would affect the order and organization of the chapter, the numbering and lettering of existing subsections has been revised. The Commission appreciates in advance any numbering errors caught by eagle-eyed commenters.

2. Definitions

The definitions provided in Chapter 5 were reviewed and updated. Abbreviations for terms were added to definitions in cases where they would provide clarity. Definitions for terms which were not used elsewhere in the chapter were removed. Undefined terms used elsewhere in the chapter were added. Terms defined elsewhere in the chapter were relocated to the Definitions section, where appropriate. This subsection was then reorganized so that the terms are listed in alphabetical order.

² Relocated sections include Section 002.30, relating to rate regulation, now located at Section 014; Section 002.23, Records, now located at Section 016; and Sections 003.17 through 003.23, relating to contract carriers, now located at Section 012.

The Commission is proposing certain substantive changes to the following existing definitions:

- a. Access
- b. Trouble Report (previously “Customer and/or Access Line Trouble Report”)
- c. Eligible Telecommunications Carrier
- d. Exchange
- e. Held Application
- f. Indebted Household
- g. Interexchange Service

Generally, definitions were updated to follow current understanding and usage of the term in question. Additionally, where outside resources including statutes, federal regulations, or definitions promulgated by subject matter experts were available, those definitions were referenced and incorporated if possible.

3. Nebraska Internet Enhancement Fund

Section 006 of Chapter 5, relating to the Nebraska Internet Enhancement Fund (“NIEF”), has been removed in its entirety. This change is the result of a statutory change. Pursuant to LB 992 (2020), the fund was terminated, effective June 30, 2021. Neb. Rev. Stat. § 86-579 was later repealed in its entirety pursuant to LB 818 (2023). Because the fund is no longer in existence, the Commission believes the provisions of Chapter 5 relating to NIEF may be removed in their entirety. The Commission welcomes comments on this proposal.

4. Dark Fiber Leasing

The Commission proposes a substantial overhaul of the provisions of Chapter 5 relating to dark fiber leasing and licensing. The changes proposed follow the structure of Neb. Rev. Stat. §§ 86-574 – 86-578.³ This section now sets forth the information required to be filed with the Commission along with a lease or license, and sets forth a challenge process for providers following the filing of a dark fiber lease or license. Obsolete language has been removed.

³ Changes were recently made to these statutes by LB 992 (2020), LB 61 (2024), and LB 1031 (2024).

Pursuant to statute, the Commission is required to notify Internet service providers in the area affected by the dark fiber lease or license. The Commission proposes to identify these Internet service providers by referring to publicly filed broadband mapping data. Is this approach appropriate? How else might the Commission ensure notice is provided to all Internet service providers in a given area? The Commission seeks comment on the modifications to this section.

5. *Financial Requirements of Applicants*

Under current rules, an applicant for local exchange or interexchange authority is required to provide evidence of financial capability. Currently, an applicant must demonstrate a minimum positive capitalization of \$200,000. The Commission seeks to revise this requirement, such that an applicant must show a minimum net worth of \$50,000, as well as positive working capital. These proposed changes are suggested to more accurately determine whether applicants will be able to remain financially solvent in the long term.

The Commission seeks comment on this proposal. Will the proposed adjustments accurately capture the financial capability of an applicant for authority? Should any adjustments to these proposed requirements be made?

6. *Eligible Telecommunications Carriers*

A definition of the term “Nebraska Eligible Telecommunications Carrier (NETC)” was added in order to distinguish between carriers certified as NETCs by the Commission and those certified by the federal government as ETCs. The Commission proposes this change because the certification for ETCs and NETCs may differ, and some providers may wish to seek one certification but not the other. Additionally, the Commission proposes to add a subsection requiring recipients of high-cost support to submit to speed testing pursuant to Neb. Rev. Stat. § 86-324.02.⁴ The Commission welcomes comments on this proposal.

⁴ This statute was originally enacted in 2021, and revised in 2024. LB 338 (2021), LB 1031 (2024).

7. *Service Interruptions and Outages*

Recently, in Commission Docket No. C-5564/PI-250, the Commission adopted a policy relating to service interruption and outage reporting requirements.⁵ Accordingly, sections 002.03, 002.04, and 002.05 have been modified to ensure that local exchange carriers will maintain sufficient records to meet the requirements of the service outage reporting policy, and that carriers will communicate to the Commission proactively when network issues arise or may be developing. Section 002.05C has been revised to clarify the amount of battery reserve required to be held at a provider's central office.

Additionally, Section 002.07 of the proposed revisions has been revised to include specific requirements regarding the maintenance, repair, and upgrading of facilities.⁶ Section 002.07 also now includes language requiring local exchange carriers to employ or contract with a sufficient number of service repair technicians to adequately maintain, repair, and upgrade its facilities on an ongoing basis and to respond to service interruptions and outages without delay.

The Commission welcomes comments on these proposed changes. Are the proposed requirements appropriate in light of recent Commission investigations relating to service quality and 911 outages? Should these requirements be revised in any way?

8. *Public Pay Stations*

In recent years, the Commission has received numerous applications from carriers seeking to waive the requirements of 291 Neb. Admin. Code § 5-002.06, Public Telephone Service. Currently, this regulation requires local exchange carriers to provide at least one public pay station in each municipality served by that carrier. However, the Commission understands that these public pay stations are costly to maintain and operate, generate little or no revenue, and are frequently targets of

⁵ See *In the Matter of the Nebraska Public Service Commission, on its own motion, to review and consider modifications to the Commission's service outage reporting requirements*, Commission Docket No. C-5564/PI-250, Order Adopting Service Interruption and Outage Reporting Requirements (Dec. 3, 2024).

⁶ This section is located at 291 Neb. Admin. Code § 5-002.08 of the current rules.

vandalism. The Commission therefore proposes to remove this requirement from Chapter 5. Should this rule be removed? If not, how might it be adjusted?

9. *Access to 988 Suicide and Crisis Lifeline*

The number 988 has recently been adopted by the FCC as the phone number for a national suicide prevention and mental health crisis hotline.⁷ The Commission proposes that local exchange carriers should be required to provide information to their customers regarding the 988 hotline, and should be required to allow customers to call 988 at no cost, without using a coin. The Commission welcomes feedback on this proposal.

10. *Boundary Change Applications*

The Commission is proposing to adjust its regulations regarding applications for change of exchange boundary, currently found in Section 002.26.⁸ First, the Commission seeks to adopt a regulation regarding the handling of applications made by multiple persons. This proposed regulation, found at the revised Section 002.24(D), reflects the current practice of the Commission. If an application is made by multiple people for service to multiple addresses, each applicant must consent to the application and affirm that they may be liable for certain construction costs. The Commission seeks to memorialize this practice in the proposed Section 002.24(D).

Additionally, the Commission has recently received several applications for change of exchange boundary, where the applicant seeks the change in order to obtain local exchange service. While the boundary change application process is generally used for customers to obtain advanced telecommunications service, the Commission has the authority to set exchange boundaries for a certificated entity.⁹ The Commission can therefore consider boundary change applications where an

⁷ A detailed timeline of the history of 988 is available at <https://www.samhsa.gov/sites/default/files/988-timeline.pdf>.

⁸ Boundary change applications are further governed by Neb. Rev. Stat. §§ 86-135 – 86-138.

⁹ See Neb. Rev. Stat. § 75-118.01 (designating to the Commission the original exclusive jurisdiction to determine the scope or meaning of a certificate, and providing for a hearing process to determine the scope or meaning of a certificate); Neb. Rev. Stat. § 86-115 (defining “local exchange” as “a territorial unit established by a telecommunications company . . . as described in maps filed with *and approved by the commission*” (emphasis added)).

applicant is seeking traditional telephone service. In order to explicitly accommodate consumers seeking a change of exchange boundary for reasons other than those enumerated in statute, the Commission proposes to adopt the new Section 002.24(C). Under the proposed Section 002.24(H)(ii), the Commission would grant an application for basic local exchange service if good cause exists to change the exchange boundary.

Finally, the Commission seeks in the proposed Sections 002.24(E) and 002.024(F) to adopt regulations relating to the consent or non-consent of telecommunications companies affected by a boundary change application. The Commission is required to hold a hearing on a boundary change application “if all of the telecommunications companies involved do not consent to the application.”¹⁰ Currently, upon receipt of a boundary change application, the Commission provides a letter to both companies affected by an application, and requesting information as to whether the company consents to the application and the availability of advanced telecommunications service to the applicant from that company. The Commission therefore proposes to formalize this process, and set a thirty-day timeline to respond to notification of a boundary change application. If a response is not filed within thirty days, the Commission would then set the matter for hearing.

The Commission seeks comment on the proposed changes to the rules regarding changes of exchange boundary. Are the proposed changes appropriate? What other changes might be made?

11. Extended Area Service

Currently, Chapter 5, Section 002.28 includes regulations governing Extended Area Service (“EAS”), its establishment, and its discontinuance. Specifically, the rules set forth a survey and ballot procedure for the establishment of EAS, as well as a survey and ballot procedure for its discontinuance. The Commission seeks input as to whether these provisions are still useful today. To what extent is EAS still used today by carriers? Should Chapter 5 continue to include provisions governing the discontinuance of EAS? If so, should those provisions be revised in any way?

¹⁰ Neb. Rev. Stat. § 86-135(3).

The Commission further notes that the two most recent EAS discontinuance filings were several years ago.¹¹ The Commission seeks general input as to the current usage of EAS by carriers, and whether and how today's practices may differ.

12. *Directory and Operator Service; Call Response Times*

Chapter 5 contains several sections and subsections relating to directory and operator service.¹² These regulations provide requirements to provide this service, and new applicants for authority must provide information regarding their provision of directory assistance and operator assistance services.¹³ The Commission seeks comment on the provision and usage of these services today. To what extent are directory and operator services still used by customers? Should carriers still be required to offer them? Should these provisions be updated to account for the increased prevalence of automated call answering services? If so, what changes should be made?

Additionally, the Commission notes that some other states have set forth regulations governing response times for customers to reach either a live representative or an automated call answering service.¹⁴ The Commission proposes to adopt similar requirement. Would the proposed regulations be appropriate for Nebraska to adopt? Why or why not?

13. *Facility Testing*

Section 002.10 of Chapter 5 relates to the testing of local exchange facilities. The Commission proposes to remove these requirements, as they are not currently

¹¹ *In the Matter of Huntel CableVision, Inc., d/b/a HunTel Communications, Blair, seeking approval of its Exchange and Billing of Terminating Traffic Agreement with Northeast Nebraska Telephone Company, Jackson*, Commission Docket No. C-3589, Approved (July 5, 2006); *In the Matter of the Petition from residents of Crookston exchange requesting extended area service (EAS) to the Cody exchange, both served by Great Plains Communications*, Commission Docket No. C-3738, Dismissed (Oct. 16, 2007).

¹² 291 Neb. Admin. Code §§ 5-002.08, 5-003.13.

¹³ 291 Neb. Admin. Code § 5-002.50C16.

¹⁴ See, e.g., WAC 480-120-133, available at <https://app.leg.wa.gov/wac/default.aspx?cite=480-120-133>.

in use and would be difficult to enforce. Would any issues arise if this section is removed? If so, should any other changes be made instead?

14. *Customer-Provided Semi-Public Telephones*

Chapter 5 contains requirements relating to the provision of customer-provided coin or non-coin operated telephone service. The Commission seeks input as to the extent to which such service is offered today. Where might a customer encounter such a service? Is this type of service still offered to the public? If not, should these requirements be removed?

15. *Customer Line Verification*

Currently, Chapter 5 requires that local exchange carriers shall provide customer line verification in emergencies.¹⁵ Similarly, interexchange carriers are required to provide customer line verification “where possible.”¹⁶ The Commission seeks input on this requirement. Does the term “customer line verification” require definition, and if so, what should that definition be?¹⁷ Additionally, how does this requirement align with carriers’ current practices? Is the requirement duplicative of other requirements set forth by statutes and regulations relating to 911 and emergency services? The Commission seeks comment on this topic.

16. *Print and Electronic Directories*

The Commission proposed to update Section 002.22, Directories, to modernize its requirements. Carriers would be allowed the ability to make directories available to customers through print or electronic means, provided that a customer would be provided a printed directory without charge upon request. Additionally, carriers would need to file any electronic directories produced with the Commission. The Commission seeks comment on these changes.

¹⁵ 291 Neb. Admin. Code § 5-002.18(C).

¹⁶ 291 Neb. Admin. Code § 5-003.03(B).

¹⁷ The Commission notes that 47 U.S.C. § 1001(2) defines the term “call-identifying information” to mean “dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier.” Would this term and definition be comparable to what is intended by “customer line verification?”

17. *Mapping Information*

In the course of its duties, the Commission requires from time to time that carriers submit maps. Currently, Chapter 5 requires that each exchange carrier submit to the Commission a map of the territory it serves.¹⁸ Additionally, Neb. Rev. Stat. § 86-130 requires that the Commission provide through regulation directions as to the contents of maps filed, including the style, size, and kind of maps, and the information to be included in maps.

Because the Commission utilizes digital GIS mapping for a wide variety of purposes, the Commission proposes to adjust its submission requirements for maps such that they should be submitted in digital GIS format. This proposal is for the purpose of ensuring that mapping information can be accurately and easily compiled with information relating to other Commission programs, including NUSF and NBBP broadband projects, as well as information from other agencies, including the Federal Communications Commission and the Nebraska Broadband Office. Is it appropriate for the Commission to require that maps be filed exclusively in digital GIS format? Are there circumstances where paper filings or other mapping formats might be more appropriate, and if so, what would those circumstances be?

Additionally, because the Commission maintains mapping information on a variety of projects, the Commission proposes to revise Chapter 5 such that the Commission shall maintain the official record of exchange boundaries. Exchange carriers would still be responsible for maintaining maps of areas served, but should that information conflict with the Commission map, the Commission's records would control.¹⁹ Is this change appropriate? Should any other revisions to this section be made? How else might the Commission ensure that accurate mapping information is maintained and made publicly accessible?

¹⁸ 291 Neb. Admin. Code § 5-002.25(A).

¹⁹ Note that the Commission holds the ultimate authority to determine the meaning of certificates it issues, including with regard to exchange boundaries. *See* Neb. Rev. Stat. §§ 75-118.01; 86-137; 86-115.

18. *Regulation of Interexchange Carriers*

Nebraska statutes differentiate between general interexchange service and inter-LATA and intra-LATA interexchange services.²⁰ Pursuant to Neb. Rev. Stat. § 86-124(1)(c), the Commission is prohibited from regulating interexchange service. However, pursuant to Neb. Rev. Stat. § 86-129, the Commission may issue a certificate to inter-LATA interexchange service.

The Commission seeks comment on the relevance of this distinction today. Do carriers continue to differentiate between inter- and intra-LATA interexchange services? Are carriers operating in the market offering one type of interexchange service, but not the other? To what extent is it necessary that the Commission's rules specify that the regulated service is inter-LATA service? The Commission proposes to remove this distinction throughout the regulations, using only the term "interexchange services." Would this change be appropriate?

19. *Minimum Transmission Objectives*

Currently, Section 003.07 sets forth requirements for interexchange carriers with regard to transmission loss. The Commission proposes to remove this regulation as it has not historically been enforced. Additionally, interexchange carriers are responsible for maintaining adequate facilities for satisfactory transmission of telecommunications pursuant to Section 003.06. The Commission therefore believes that Section 003.07 is unnecessary. Is removal of this regulation appropriate? If not, how might the regulation be adjusted to suit modern needs?

20. *Rate Regulation*

Requirements for applications for new rates or charges, or changes to existing rates or charges, are currently located within Sections 002.29 and 002.30 of the existing rules, which relate to local exchange carriers. The Commission proposes to relocate the language regarding rate applications to its own section, listed as Section 014 of the proposed rules.

²⁰ "Inter-LATA interexchange service" is defined by Neb. Rev. Stat. § 86-112 as "interexchange service originating and terminating in different LATAs." Similarly, Section 86-113 defines "Intra-LATA interexchange service" as "interexchange service originating and terminating within the same LATA."

In this section, Commission seeks to simplify the rate review process. The Commission proposes to remove the requirement for a carrier to hold an informational meeting in each affected exchange. Other requirements have been removed, with references to applicable statutes in Chapter 86 of Nebraska Revised Statutes. The intent of these changes is to ensure the rate review process aligns with statutory requirements and is not unnecessarily burdensome. The Commission seeks comment on the proposed changes. Are these changes appropriate? What other changes might be made?

21. Deregulation of Exchanges

Pursuant to the passage of the 2025 Nebraska Legislature's LB 311 and the Telecommunications Exchange Deregulation Act, the Commission proposes to enact regulations setting forth the process by which a local exchange carrier may seek deregulation. The proposed regulations set forth information which must be included with an application and provide that the Commission may hold a hearing on the request. Additionally, the Commission proposes that the costs of these applications and any hearings on the applications will be borne by the applicant. The Commission seeks comment on this proposal.

22. Filing of Confidential and Proprietary Information

The Commission proposes to formalize its process for receiving confidential or proprietary information. Nebraska public records laws, at Neb. Rev. Stat. § 84-712.05, provide that the Commission may choose to withhold otherwise public records which contain "[t]rade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose." However, it may not always be clear whether a party who has filed business information with the Commission seeks confidential treatment of that information. To that end, the Commission proposes to create a process in the proposed Section 017 of Chapter 5, whereby parties may formally request confidential treatment of information filed by the Commission.

This proposed language follows the processes currently in place, whereby a party may informally seek confidential treatment. Additionally, parties to a docket may seek a Protective Order for information filed in the docket, which may include detailed information regarding the types of information which may be filed. However, the Commission emphasizes that no procedure set forth in its regulations

will supersede the statutory obligations of the Commission pursuant to Nebraska public records laws.

The Commission seeks comment on this section. Is the process set forth appropriate? Should any changes be made?

23. Other Issues

The above-listed topics are a non-exhaustive summary of changes proposed to Chapter 5. The Commission strongly encourages all interested parties to read the chapter in its entirety and provide feedback and suggestions for further revisions, through the workshop and comment process outlined below. The Commission emphasizes that these proposed changes are a preliminary proposal for discussion, and that further revisions are expected.

W O R K S H O P

Because of the length of Chapter 5 and the substantive nature of some proposed changes, the Commission finds that a workshop in this matter should be scheduled. During this workshop, Commission staff will present an overview of proposed changes. Workshop participants will be afforded time to ask questions and discuss the proposed changes. Following this workshop, the Commission anticipates scheduling additional workshops, hearings, and/or comment cycles to ensure adequate time for interested parties to be heard.

A workshop in this proceeding will therefore be held on **Tuesday, October 28, 2025 at 10:00 a.m. Central Time** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via WebEx videoconference, available at <https://psc.nebraska.gov/stream>.

If auxiliary aids or reasonable accommodations are needed for attendance at the workshop, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

C O M M E N T S

Following the workshop, interested parties may submit written comments on the proposed changes. Comments on the proposed amendments shall be filed by interested parties on or before **December 4, 2025, at 3:00 p.m. Central Time**. Comments should be filed by email with service to brittany.seabrooks@nebraska.gov and psc.telecom@nebraska.gov. Upon review of the comments submitted, the Commission will review the proposed amendments to Chapter 5 and may issue further findings or schedule this matter for hearing, as appropriate at that time.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this rulemaking amending Title 291, Chapter 5 of the Nebraska Administrative Code, relating to Telecommunications, be, and is hereby, opened.

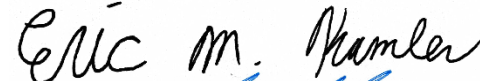


IT IS FURTHER ORDERED that a workshop in this matter shall be held on **Tuesday, October 28, 2025, at 10:00 a.m. Central Time** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via videoconference as described above.

IT IS FURTHER ORDERED that interested parties may file comments in this proceeding on or before **December 4, 2025, at 3:00 p.m. Central Time** as set forth above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 23rd day of September 2025.

NEBRASKA PUBLIC SERVICE COMMISSION

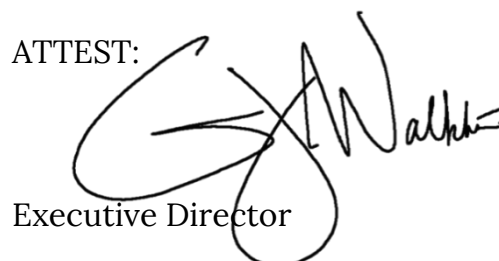
COMMISSIONERS CONCURRING:



Chair

ATTEST:


Executive Director