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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to update and amend Title 291, Chapter 5, Telecommunications, in its entirety.	Rule and Regulation No. 214 ORDER RELEASING SECOND PROPOSED RULES, SEEKING COMMENTS, AND SETTING HEARING Entered: October 6, 2026

LUMEN TECHNOLOGIES, INC.'S SECOND SET OF COMMENTS

COMES NOW Lumen Technologies, Inc., by and through undersigned counsel, on behalf of its incumbent local exchange carriers ("ILECs") Qwest Corporation d/b/a CenturyLink QC and United Telephone Company of the West d/b/a CenturyLink (collectively, "Lumen"), and hereby submits the following second set of comments in response to the October 6, 2026 order (the "Order") of the Nebraska Public Service Commission (the "Commission") seeking further comment on the Commission's second set of proposed revisions to Title 291, Chapter 5, of the Commission's rules and regulations. Lumen appreciates the opportunity to offer additional comments to the Commission's second set of proposed revisions to the Telecommunications Rules and Regulations.

All Section references herein refer to the clean version of the proposed revised rules, which is referred to as "Attachment B" in the Order.

I. Comments to Transfers of Control – Section 002.23

a. For purposes of clarity, Lumen suggests the following revisions (in bold and italics) to Section 002.23(C) of the proposed rules (*see* Attachment B, p. 22):

i. **002.23(C).** Direct ownership of a certificated carrier may not change absent ***an application by the carrier submitted under this Chapter describing the direct ownership change and*** approval by Commission

order. ***The Commission shall issue an order within forty-five days after filing if no hearing is held, or within one hundred twenty days if a hearing is held.***

ii. **Add 002.23(D)**: The Commission may***, at its discretion,*** review indirect transfers of control of certificated carriers, including a change of ownership at the holding level or pro forma ***internal*** company reorganizations, on a case-by-case basis as ***may be*** required by the public interest. ***Such indirect transfers of control or internal company reorganizations shall not require an application to the Commission. The Commission's review of indirect transfers of control or internal company reorganizations shall be limited to transactions that will in fact change control of, and directly affect the services provided by, a certificated carrier in Nebraska.***

iii. **Add 002.23(D)(i)**: ***A transfer of control transaction which is purely pro forma in nature and involves no transfer of Nebraska customers or certificates of authority and no change in the operation of the certificated carrier in Nebraska, requires only submission of written notification of the transaction to the Commission.***

II. Comments to Deregulation of an Exchange – Section 013

a. Confidentiality. The Deregulation section (§ 013) currently contains no confidentiality provision. (*See* Attachment B, pp. 63-64).

i. Suggested Revision is to add Section 013.09: ***CONFIDENTIALITY. Proprietary or commercial information submitted under this section, including financial records, information regarding the receipt and use of federal USF and NUSF support, asset valuations, and subscriber-specific trouble and outage data, shall be treated as confidential pursuant to subdivision (3) of section 84-712.05 of the Nebraska Revised Statutes and Section 015 of this Chapter without separately obtaining a protective order from the Commission.***

b. Public Interest Presumption. Currently, Section 013.02(G) requires the applicant to vaguely make a "statement" as to why deregulation would be in the public interest (*See* Attachment B, p. 64). The Telecommunications Exchange Deregulation Act ("TEDA") creates a rebuttable presumption, however, that deregulation serves the public interest if, besides the electing carrier, at least two other carriers (including one wireline or cable carrier) provide voice services to at least 90% of non-tribal household locations, with a 75% alternative threshold, and directs the Commission to weigh vacant locations, service declinations, and FCC Broadband Data inaccuracies. *See* Neb. Rev. Stat. § 86-1604(2). Thus, Lumen suggests revising Section 013.02(G) to require the applicant to submit evidence addressing Neb. Rev. Stat. § 86-1604(2) in order to eliminate ambiguity, including the number of other carriers (including any wireline or cable carrier) providing voice service, the percentage of non-tribal household locations served, the data relied upon (including FCC Broadband Data Collection), and evidence of vacant locations and service

declinations. This will appropriately incorporate the statutory public-interest presumption criteria of 86-1604(2) into the application.

c. Language Consistency. Lumen suggests Revise § 013.01 to replace "A local exchange carrier" with "An ***electing*** local exchange carrier, which is utilized by the TEDA in Neb. Rev. Stat. § 86-1602. This would maintain consistency between the language utilized in the rules and in TEDA.

Lumen appreciates the Commission reviewing these comments to the second set of proposed changes to Title 291, Chapter 5, of the Commission's Rules and Regulations, and looks forward to further participation in this matter.

DATED this 28th day of October, 2026.

Respectfully Submitted,

LUMEN TECHNOLOGIES, INC.,

By: _____

Katherine A. McNamara, #25142
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, Nebraska 68102
(402) 341-3070
kmcnamara@mcgrathnorth.com
Attorney for Lumen Technologies, Inc.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of October 2026, a true and correct copy of the foregoing Second Set of Comments in Nebraska Public Service Commission Docket No. Rule and Regulation 214 was served via electronic mail to:

Nebraska Public Service Commission
psc.telecom@nebraska.gov
traci.christman@nebraska.gov

and

Rule & Regulation No. 214 Telecommunications Contacts:
pschudel@woodsaiken.com
Deonnebruning@neb.rr.com
joselyn@zulkoskiweber.com
lbrooks@brookspanlaw.com
mary@bruninglawgroup.com
julia@kelleyplucker.com
toneill@ntaonline.net
rwesterhold@ewmlobby.com
apollock@remboltlawfirm.com

By: Katherine A. McNamara
Katherine A. McNamara, #25142