

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. C-5564/PI-250  
Public Service Commission, on )  
its own motion, to review and ) ORDER ADOPTING SERVICE  
consider modifications to the ) INTERRUPTION AND OUTAGE  
Commission's service outage ) REPORTING REQUIREMENTS  
reporting requirements. )  
) Entered: December 3, 2024

### BY THE COMMISSION:

On April 3, 2024, the Nebraska Public Service Commission ("Commission") opened the above-captioned proceeding in order to review and consider modifications to the Commission's service outage reporting requirements. In the order opening this docket ("April 3 Order"), the Commission sought comment on its service outage reporting requirements, and released proposed revisions to the policy for review.

A workshop in this matter was held on May 28, 2024, in the Commission Hearing Room. Following the workshop, on June 14, 2024, comments in this matter were received from interested parties. Based upon the comments submitted at the workshop and in comments, in an order dated August 20, 2024 ("August 20 Order"), the Commission released a second proposed draft policy.

### H E A R I N G

A hearing in this matter was held on September 30, 2024. Sallie Dietrich appeared on behalf of the Telecommunications and NUSF Department of the Commission. Exhibits numbered 1 through 8 were entered into evidence.<sup>1</sup>

Cullen Robbins, Director of the Telecommunications and NUSF Department of the Commission ("Department"), offered testimony. Mr. Robbins testified that this proceeding was opened in April in order to seek comment and propose changes to the service outage reporting policy.<sup>2</sup> He noted that following the workshop in this matter, the Department proposed an updated draft policy, which was

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<sup>1</sup> The exhibits entered included the comments of each interested party submitting comments by June 14, 2024, as well as a letter filed by the Rural Independent Companies ("RIC") prior to the hearing.

<sup>2</sup> Transcript at 8-9.

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attached to the August 20th Order.<sup>3</sup> Mr. Robbins stated that the updated policy included clarification that the term "company" refers to local exchange carriers certificated in Nebraska.<sup>4</sup> He further stated that the policy includes language changes pursuant to LB 1031, Section 13, which was signed into law in 2024.<sup>5</sup>

Mr. Robbins further testified that the draft policy includes clarification on the time period requirements for reports to be filed, as well as language clarifying what is required to be submitted in final outage reports.<sup>6</sup> Mr. Robbins stated that final reports would be required to be submitted within five business days following restoration of service, which is a shorter timeframe than the fourteen-day requirement currently in place.<sup>7</sup>

Mr. Robbins also noted that the definition of the term "service outage" had been significantly modified, and now mirrors language in the Code of Federal Regulations.<sup>8</sup> Mr. Robbins also stated that the proposed policy maintains the current 100 access line threshold, but adds an additional threshold so that an outage would have to be reported if eighty percent of lines in an exchange are out of service.<sup>9</sup> Mr. Robbins noted that some exchanges in Nebraska may have less than 100 access lines.<sup>10</sup>

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<sup>3</sup> *Id.* at 9.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 9. See Neb. Rev. Stat. § 86-1031 (relating to the reporting of 911 service outages).

<sup>6</sup> Transcript at 9.

<sup>7</sup> *Id.* at 9-10.

<sup>8</sup> *Id.* at 10. 47 C.F.R. § 4.5(a) defines "outage" as "a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network." The FCC further clarified the term "significant degradation," stating that "outage events are reportable when there is a loss of 'general useful availability and connectivity,' even if not a total loss of connectivity." In the Matter of Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80, ET Docket No. 04-35, PS Docket No. 11-82, *Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration*, 31 FCC Rcd. 5817 (May 25, 2016). The Commission finds that this clarifying language is applicable to its service outage reporting policy and should be taken into consideration when considering whether an outage is reportable.

<sup>9</sup> Transcript at 10.

<sup>10</sup> *Id.*

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Mr. Robbins described a discussion held at the workshop regarding community anchor institutions.<sup>11</sup> He stated that the policy now would require reporting if there is a loss of service to airports, schools, military facilities, hospital facilities, public safety answering points, police stations, or firehouses, for thirty minutes or longer.<sup>12</sup> Mr. Robbins also noted that the policy now includes a definition of the term "schools."<sup>13</sup>

With regard to planned maintenance, Mr. Robbins testified that planned and scheduled maintenance of a short duration would not be reportable, nor would an outage of less than four hours if customers were notified in advance.<sup>14</sup> Mr. Robbins noted that the Rural Independent Companies ("RIC") had provided feedback that sixty minutes would be an appropriate threshold for short outages, which Mr. Robbins agreed with.<sup>15</sup> However, he noted that some outages may be otherwise reportable to the Federal Communications Commission ("FCC") as part of a 911 service outage, and that the provision in the proposed rules that the company would need to report the 911 outage to the Commission would still be in effect.<sup>16</sup>

Following Mr. Robbins' testimony, Trent Fellers, Vice President of Government Affairs, offered testimony on behalf of Windstream. Mr. Fellers testified that Windstream preferred a longer timeframe in which to submit final reports.<sup>17</sup> He further testified that Windstream finds the term "significant degradation" ambiguous, and requested further clarification of the term.<sup>18</sup>

Following Mr. Fellers' testimony, no further evidence was adduced, and the hearing was adjourned.

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<sup>11</sup> *Id.* at 11.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 11-12.

<sup>15</sup> *Id.* at 12.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 25.

<sup>18</sup> *Id.* at 26-27.

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## O P I N I O N   A N D   F I N D I N G S

Telecommunications carriers in Nebraska are subject to regulation by the Commission "to ensure the delivery of essential and emergency telecommunications service."<sup>19</sup> All certificated local exchange carriers in Nebraska are required to provide adequate access line service to their customers.<sup>20</sup> Each carrier must make all reasonable efforts to prevent interruptions of access line service.<sup>21</sup> Accurate and timely reporting of outages is essential to the Commission's ability to monitor the performance of local exchange carriers and ensure adequacy of service. The Commission finds that, based on the feedback, comments, and testimony offered in this docket, the Commission's service outage reporting policy should be revised, effective immediately.<sup>22</sup>

The Commission hereby adopts the second revised service outage reporting policy, previously proposed by the Commission in this docket on August 20, 2024, with minor revisions. Some non-substantive adjustments have been made with regard to grammar and formatting. Based on testimony offered at hearing, the Commission further finds that planned and scheduled service interruptions should become reportable after sixty minutes, rather than the originally proposed thirty-minute timeframe. No other substantive changes have been made to the policy.

As part of the policy, carriers must submit their final written outage report on forms prepared by the Commission. These forms have been prepared and are available on the Commission website. Final outage reports which do not contain all required information, or which are submitted in other formats, will not be considered adequate. The Commission may modify this form

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<sup>19</sup> Neb. Rev. Stat. § 86-128(1)(a).

<sup>20</sup> 291 Neb. Admin. Code § 5-002.02A.

<sup>21</sup> 291 Neb. Admin. Code § 5-002.03A.

<sup>22</sup> The Commission's service outage reporting policy was previously adopted pursuant to Commission Docket No. C-4946/PI-209, *In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate service outages and possible modification to the Commission's service outage reporting requirements*, Order (July 10, 2018); and Commission Docket No. C-4272/PI-169, *In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate practices related to network reliability and requirements governing notification for service interruptions*, Order (Oct. 1, 2013).

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periodically as needed; carriers are encouraged to consult with the Consumer Advocate to ensure the most recent version of the form is in use.

The Commission appreciates the participation in this docket to date. The Commission understands that as carriers work to comply with this policy, unique situations may occur which require further guidance. The Commission encourages carriers to communicate proactively with the Commission and the Communications Department for guidance on the policy. Interested parties may reach the Commission's Consumer Advocate by calling (402) 471-3101, or by email at [psc.telecom@nebraska.gov](mailto:psc.telecom@nebraska.gov).

O R D E R




IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the service outage reporting policy attached hereto as Attachment A is adopted and shall become effective immediately.

IT IS FURTHER ORDERED that each local exchange carrier certificated in Nebraska shall comply with the service outage reporting policy and, should an outage occur, provide all required information to the Commission within the timeframe and in the form prescribed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 3rd day of December, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chair

ATTEST:

  
Executive Director

**Nebraska Public Service Commission  
Service Interruption and Outage Reporting Requirements**

1. Each local exchange carrier certificated in Nebraska (“company”) shall report to the Public Service Commission (“Commission”), orally or in writing, any service interruptions described below in subsection (5) within one hundred twenty minutes of the company’s discovery of such interruptions. If the Commission is closed at the conclusion of the one hundred twenty minute period and the interruption has not been reported, the company shall report the interruption within one hundred twenty minutes of the Commission’s opening for business. In its initial report the company shall provide the following information:
  - (a) The date and time of the interruption;
  - (b) The geographic area affected;
  - (c) Cause of the outage and estimated restoration time, if known;
  - (d) Estimated number of working access lines affected by the outage; and
  - (e) A listing of any public safety answering points, government officials, other agencies, or news media notified of the outage.
  
2. If a company is required to file reports with the Federal Communications Commission (“FCC”) regarding 911 service outages, the company shall also file copies of such reports with the Commission. The reports filed with the Commission shall follow the same timelines and provide the same information as required by the FCC.
  
3. If the interruption extends beyond seventy-two hours, interim reports containing the information required by subsection (1) shall be submitted to the Commission in writing on a daily basis beginning on the third calendar day following the start of the interruption. Such interim reports must include any relevant additional information obtained since the previous report was filed, and correct any errors in previously filed reports.
  
4. A final written report shall be submitted to the Commission within five business days from the date of restoral of service.
  - (a) The final written report shall be submitted using forms prepared by the Commission and containing responses to all required fields. In the final report the company shall provide the following information:
    - i. The date and time of the interruption;
    - ii. The geographic area affected;
    - iii. Actual restoration date and time;
    - iv. The name of the affected central office(s);

- v. The type of equipment or facility involved with the outage if the outage is not central office related;
  - vi. If the outage was a result of a cable cut, identify:
    - 1. The contractor doing the work (or general public if applicable)
    - 2. What type of lines were cut (copper or fiber)
    - 3. Were locates requested?
      - a. Were locates completed?
      - b. If so, who performed the locates
      - c. Were locates correct?
  - vii. Number of working access lines affected;
  - viii. Whether service to any PSAP in Nebraska was affected by the outage, and if so, to what extent;
  - ix. The number of customer reports received related to the outage, if readily available;
  - x. Description of corrective action taken.
- (b) The Final Report must include any relevant additional information obtained since the previous report was filed, and must correct any errors in previously filed reports.
- (c) If the initial or interim written report contains the information required in subsection (3) and is marked as Initial or Interim and Final report, no subsequent report is required.
5. For the purposes of reporting under this policy, the terms “service interruption,” “interruption,” and “outage” shall refer to one or more of the following:
- (a) Any significant degradation in the ability of an end user to establish and maintain a channel of communications by use of a company or its affiliate’s local exchange or long distance facilities, affecting service to one hundred or more of the company’s access lines or eighty percent of the access lines in any given exchange, whichever is smaller, for thirty minutes or longer;
  - (b) Complete loss of extended area service or toll trunk groups in a central office for thirty minutes or longer;
  - (c) Any loss of service relating to company operated 911 equipment or facilities that causes isolation of working lines in any exchange from 911 access for thirty minutes or longer;
  - (d) Any loss of service to airports, schools, military facilities, hospital facilities, public safety answering points, police stations, or fire houses, for thirty minutes or longer.

For purposes of reporting under this policy, the term “schools” shall include educational institutions providing education for grade levels K-12, but excluding homeschools, daycares, and independent learning sites.

6. Service interruptions do not include a loss of service which:
  - (a) Is planned and scheduled, occurs between midnight and 6:00 a.m. local time, and is of a duration less than sixty minutes; or
  - (b) When notice has been provided to affected customers and affected PSAPs at least twenty-four hours in advance of the planned and scheduled outage, and the outage does not exceed four hours.