

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

AT & T COMMUNICATIONS OF THE MIDWEST,	)	Application No. C-1298
INC., SUBMITS THIS APPLICATION	)	
FOR AN AMENDMENT TO ITS CERTIFICATE	)	
OF CONVENIENCE AND NECESSITY TO PROVIDE	)	ORDER ON PREHEARING
LOCAL EXCHANGE TELECOMMUNICATIONS	)	CONFERENCE
SERVICE WITHIN THE STATE OF NEBRASKA	)	

A Prehearing Conference was held on the 10th day of May, 1996. The following Order records the action taken at the Conference, including agreements made by the attending parties as to matters considered.

**(A) Appearances and Other Parties:**

(1) Appearing for the Applicant and Intervenors as counsel were:

APPLICANT:

AT&T Communications of the Midwest, Inc.  
Andrew S. Pollock  
KNUDSEN, BERKHEIMER,  
RICHARDSON, ENDACOTT & ROUTH  
1000 NBC Ctr  
LINCOLN NE 68508-1474  
**FAX: 402-475-8912**

Mary B. Tribby  
Larry L. Ruth

FORMAL INTERVENORS:

Lincoln Telephone & Telegraph Company  
Paul M. Schudel  
WOODS & AITKEN  
206 S 13th St, Ste 1500  
LINCOLN NE 68508  
**FAX: 402-474-5777**

Nebraska Independent Telephone Association  
J. Scott Searl  
BAIRD HOLM  
1500 Woodmen Tower  
OMAHA NE 68102-2068  
**FAX: 402-344-0588**  
**(If busy: 402-231-8556)**

Nebraska Telephone Association  
Jack L. Shultz  
HARDING, SHULTZ & DOWNS  
121 S 13th St, Ste 800  
P.O. Box 82028  
LINCOLN NE 68501-2028  
**FAX 402-434-3030**

INFORMAL INTERVENORS:

Cox Communications Omaha, Inc.  
Loel P. Brooks  
BROOKS, PANSING BROOKS  
& LAMPHERE, P.C.  
755 NBC Ctr  
LINCOLN NE 68508-1424  
**FAX: 402-476-6368**

MCI Telecommunications Corporation  
Steven G. Seglin  
CROSBY, GUENZEL, DAVIS,  
KESSNER & KUESTER  
134 S 13th St, Ste 400  
LINCOLN NE 68508  
**FAX: 402-434-7303**

TCG Omaha  
Loel P. Brooks  
BROOKS, PANSING BROOKS  
& LAMPHERE, P.C.  
755 NBC Ctr  
LINCOLN NE 68508-1424  
**FAX: 402-476-6368**

(2) Intervenor attending the conference but not  
represented by counsel were:

FORMAL INTERVENORS:

Clarks Telephone  
Cindy Bittinger  
P.O. Box 126  
106 W Amity  
CLARKS NE 68628  
**FAX: 308-548-2400**

K & M Telephone  
Larry Smith  
P.O. Box 187  
CHAMBERS NE 68725  
**FAX: 402-482-5700**

(3) Intervenor not attending the conference or represented by counsel making an appearance at the conference were:

FORMAL INTERVENORS:

Blair Telephone

Michael Jacobson, President  
1638 Lincoln St  
P.O. Box 400  
Blair NE 68008

Cambridge Telephone

J. Richard Shoemaker, President  
613 Patterson  
Cambridge NE 69022

Consolidated Telco Inc.

Charles L. Fast, President  
6900 Van Dorn, Ste 21  
Lincoln NE 68506

Curtis Telephone

Ed Cole, General Manager/CEO  
P.O. Box 8  
Curtis NE 69025

Glenwood Telephone Membership Corporation

Charles W. Hastings, Esq.  
DUNMIRE, FISHER & HASTINGS  
P.O. Box 1044  
Hastings NE 68902-1044

Keystone-Arthur Telephone

William B. Hill, Vice-President  
P.O. Box 240  
Keystone NE 69144

Pierce Telephone

Mary Jane Fogle, Secretary/Treasurer  
112 S 5th St  
P.O. Box 113  
Pierce NE 68767-0113

Southeast Nebraska Telephone

Ernest J. Prosser, Vice President  
110 W 17th St  
Falls City NE 68355

Stanton Telephone

Robert Paden, Vice President/  
General Manager  
1004 Ivy  
P.O. Box 716  
Stanton NE 68779

TCI Communications  
Robert M. Pomeroy, Jr., Esq.  
HOLLAND & HART  
8350 E Crescent Pkwy, Ste 200  
Englewood CO 80111

United Telephone Company of the West  
Linda K. Gardner  
5454 W 110th St  
Overland Park KS 66211

US West Communications, Inc.  
Richard L. Johnson, Esq.  
200 S 5th St, Room 395  
Minneapolis MN 55402

INFORMAL INTERVENORS:

Hartington Telephone  
William Dendinger, General Manager  
104 W Centre  
P.O. Box 157  
Hartington NE 68739

**(B) Simplification of Issues:** All parties shall submit to the Commission and serve upon all other parties on or before May 24, 1996, a statement of all issues, identified with specificity, to be addressed at the Hearing on this matter.

To the extent necessary to respond to issues raised by other parties, the parties may supplement their statements of issues. Supplemented statements must be filed on or before May 31, 1996.

The issues to be addressed at the Hearing will be limited to those issues specifically set forth in the parties' statements of issues. Issues not specifically set forth, filed with the Commission and served on all parties in accordance with this Order will be deemed waived by the parties unless good cause is shown,

and neither evidence nor argument concerning waived issues will be received at the Hearing. The Commission may further limit the issues to be addressed at the Hearing.

**(C) Amendments to Pleadings:** Any amended pleadings must be filed on or before May 31, 1996.

**(D) Stipulations:** The parties agree and stipulate to the following facts and matters of public record:

(1) Adequate notice of the following was properly served upon all of the parties:

- (a) The filing of the Application;
- (b) The Prehearing Conference of May 10, 1996; and
- (c) The Hearing scheduled to begin June 13, 1996.

**(E) Procedure at the Hearing:** The following procedure shall be followed at the hearing:

- (1) Open the record and receive appearances.
- (2) Enter the following into the record:
  - (a) The Affidavit of Notice of the filing of the Application;
  - (b) The Notice of the Prehearing Conference; and
  - (c) The Notice of Hearing.
- (3) Opening statements upon the request of the separate parties.
- (4) Receive testimony in the following order:
  - (a) Applicant's Witnesses:
    - (i) Direct Examination;
    - (ii) Cross Examination; and
    - (iii) Re-Direct Examination.

- (b) Formal Intervenor's Witnesses:
  - (i) Direct Examination;
  - (ii) Cross Examination; and
  - (iii) Re-Direct Examination.
- (c) Informal Intervenor's Presentations of pre-filed statements of single witnesses together with exhibits by such witness.
- (d) Rebuttal.
- (5) Elicit testimony on behalf of the Commission:
  - (a) Direct Examination;
  - (b) Cross Examination; and
  - (c) Re-Direct Examination.
- (6) Statements by the Public.
- (7) Closing Arguments upon the request of the separate parties.
- (8) Close the hearing.
- (9) Briefs may be submitted by the parties at their option within 14 days after the transcript is made available to the parties.

**(F) Witnesses:** On or before June 6, 1996, all parties shall file with the Commission and exchange with all other parties the prepared testimony of all witnesses expected to testify on direct examination. It is understood that, except upon a showing of good cause, prepared direct examination testimony not filed and exchanged by that date will not be received into evidence in the above matter.

**(G) Exhibits and Prepared Testimony:** On or before June 6, 1996, all parties shall exchange with all other parties the exhibits expected to be introduced at the Hearing, except those exhibits to be introduced for purposes of rebuttal or impeachment.

**(H) Other Matters:** Other matters as may aid in the simplification of the evidence and disposition of the proceeding:

**(1) Filing of Order on Prehearing Conference:** The Commission will enter an Order on Prehearing Conference on or before May 14, 1996.

**(2) Objections to Order on Prehearing Conference:** Objections to the Order on Prehearing Conference must be filed and served on or before May 21, 1996. Thereafter, no objections will be allowed, and the terms of the Order or modifications thereof shall determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

**(3) Modifications to the Order on Prehearing Conference:** The Commission shall enter all modifications to the Order on Prehearing Conference on or before May 28, 1996, unless good cause is shown.

**(4) Motions:** All motions, procedural and substantive, must be filed and served on or before June 10, 1996. The Commission will rule on all such motions on or before June 12, 1996, and will conduct hearings, if necessary, sufficiently in advance of that date to permit a ruling on or before June 12, 1996.

**(5) Parties Not Represented by Counsel:** Parties, which are not represented by counsel making an appearance in this proceeding, may not participate in the Hearing on this matter or otherwise in this proceeding, except to the extent allowed by the rules of the Commission.

**(6) Public Service Commission Staff a Party:** For purposes of this proceeding and this Order on Prehearing Conference, the Public Service Commission Staff is regarded as a "party," and will be bound by the requirements and deadlines set forth herein.

**(7) Service on Parties Attending Prehearing Conference:** All parties represented by counsel appearing at the Prehearing Conference on May 10, 1996, and all parties attending said Conference, will automatically be entitled to expedited service by facsimile, personal delivery or overnight mail, in addition to regular service, as to all pleadings and other documents for which service is required herein and otherwise according to Commission Rules.

**(8) Service on Parties Not Attending Prehearing Conference:** All parties are entitled to regular service in accordance with the rules of the Commission as to all pleadings and other documents for which service is required herein and otherwise according to Commission Rules. If a party, which was not present or represented at the Prehearing Conference, wants to receive expedited service (by facsimile, personal delivery or overnight mail), that party must file Notice with the Commission of its desire to receive expedited service on or before May 21, 1996. Said Notice must include the facsimile number of the requesting party.

**(9) Hearing; Date, Time Place of:** The Hearing on this matter is scheduled to commence at 9:00 a.m. (CT) on June 13, 1996, in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. Should additional time be needed,



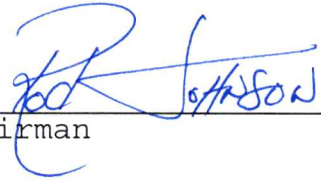
the hearing will continue on June 14, 1996, commencing at 9:00  
a.m. (CT) at the Commission Hearing Room.

MADE AND ENTERED at Lincoln, Nebraska this 14th day of May,  
1996.

COMMISSIONERS CONCURRING:

  
//s//Rod Johnson  
//s//Frank E. Landis  
//s//James F. Munnelly  
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

ATTEST:

  
Executive Director

Prepared and submitted by:

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