

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

NORTHEAST NEBRASKA COMNET,) Formal Complaint No. 1288
LLC, of Bloomfield, Nebraska,)
)
)
) DISMISSED
v.)
)
QWEST COMMUNICATIONS, of)
Wayne, Nebraska,)
)
)
) Defendant.) Entered: June 5, 2001

BY THE COMMISSION:

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

On November 28, 2000, Northeast Nebraska Comnet, LLC, an Internet service provider with offices in Bloomfield, filed a formal complaint against Qwest Communications (Qwest) of Wayne, alleging that Qwest refuses to provide "dry copper pair" to it at wholesale rates.

On December 18, 2000, Qwest filed with the Commission a motion to dismiss the formal complaint. In support of its motion, Qwest states that while "dry copper pair" is an unbundled network element available to competitive local exchange carriers (CLECs), Northeast Nebraska Comnet is not a certified CLEC in Nebraska and thus can not avail itself of Qwest's services catalog.

On February 6, 2001, the Commission held a public hearing in this matter. Upon review of the testimony and evidence adduced in this proceeding, we are inclined to agree with Qwest's argument. Under the Telecommunications Act of 1996, Qwest is not required to offer its services at wholesale rates to uncertificated carriers such as Northeast Nebraska Comnet. For that reason, we find that Qwest's motion should be granted and the formal complaint should be dismissed. Should Northeast Nebraska Comnet desire to seek such wholesale services, it must obtain a Competitive Local Certificate of Public Convenience and Necessity.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Formal Complaint No. 1288 be, and it is hereby, dismissed.

Formal Complaint No. 1288

Page 2

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of June, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

James J. Hinson

Anna C. Boyle

Frank E. Landis

//s//Frank E. Landis

Frank Landis
Chairman

ATTEST:

A. S. Pollock
Executive Director