

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Platte Valley Financial Services)	Application No. FC-1370
Companies, Inc.,)	
)	
Complainant,)	
)	
v.)	ORDER DENYING MOTIONS
)	TO DISMISS
United Telephone Company of the)	
West d/b/a CenturyLink Nebraska;)	
CenturyLink Communications, LLC;)	
and Qwest Corporation d/b/a)	
CenturyLink QC,)	
)	
Respondents.)	Entered: May 24, 2022

BY THE COMMISSION:

On May 20, 2021, a Formal Complaint was filed with the Nebraska Public Service Commission ("Commission") by Platte Valley Financial Services Companies, Inc. ("Platte Valley" or "Complainant"), a Colorado corporation headquartered in Scottsbluff, Nebraska against United Telephone Company of the West d/b/a CenturyLink Nebraska ("UTC"), a Delaware corporation doing business in Nebraska. An Amended Complaint was filed in this matter on December 15, 2021, naming UTC, CenturyLink Communications, LLC, and Qwest Corporation d/b/a CenturyLink QC as Respondents. Answers to the Amended Complaint were timely filed by each of the Respondents.

On January 13, 2022, each of the Respondents filed a Motion to Dismiss the Amended Complaint. Briefs in opposition to the Motions to Dismiss were filed by the Complainant. Each of these briefs requested an oral argument on the Motions to Dismiss. Reply briefs on the matter were submitted by Respondents.

An oral argument on the Motions to Dismiss was set by order of the Hearing Officer on April 6, 2022. The oral argument was held on May 3, 2022 at 10:00 a.m. in the Commission Hearing Room. Katherine McNamara appeared on behalf of the Respondents. Andy Pollock appeared on behalf of the Complainant. Each party presented an argument and a rebuttal. The oral argument was then adjourned.

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F I N D I N G S

Upon review, the Commission finds that this complaint should not be dismissed at this time. Based upon the arguments presented by the parties, issues of fact remain in this matter. At oral argument, the parties disagreed as to the extent to which the Respondents' business and facilities overlap or share control. The Commission finds that it cannot properly rule on the jurisdictional questions posed in the Motions to Dismiss without having received and reviewed evidence as to that question.

The Commission therefore finds that the Motions to Dismiss should be, and hereby are, denied.




O R D E R

IT IS THEREFORE ORDERED by the Commission that the Motions to Dismiss submitted in this matter are hereby denied.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 24th day of May, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Executive Director