

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1379
of the TCG Omaha's petition for)
arbitration pursuant to §252(b)) MOTION DENIED
of the Telecommunications Act of)
1996 to establish an intercon-)
nection agreement with US West.) Entered: September 17, 1996

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

BY THE COMMISSION

On July 18, 1996, TCG Omaha ("TCG") of Omaha, Nebraska filed a petition for arbitration pursuant to §252(b) of the Telecommunications Act of 1996 to establish an interconnection agreement with US West Communications.

Notice of the filing of the petition was published pursuant to the provision of the Commission's Rules and Regulations. Notice of the application appeared in the Omaha Daily Record on July 22, 1996.

In the petition TCG seeks an Interconnection Agreement to govern the rates, terms and conditions for interconnection and related arrangements between the carriers.

On September 4, 1996, TCG filed a Motion to Sever TELRIC Cost Studies for expedited consideration in a separate proceeding. In its motion, TCG asserts that review of US West's TELRIC studies should be severed from the instant arbitration proceeding, and reviewed in a separate expedited proceeding.

In support of its Motion, TCG makes the following arguments: (1) review of ILEC studies is a complex time consuming process and there is insufficient time in the arbitration process; (2) US West completed its TELRIC studies just four days after the issuance of the FCC Order and it is unlikely that the studies have been restructured and rerun in conformity with the requirements of the FCC's TELRIC costing methodology; (3) further, to the extent that US West has in fact modified its cost studies, the Commission Staff has not yet had an opportunity to review the US West studies; and (4) the FCC anticipated the time which would be needed to review TELRIC studies by setting proxies that states could use.

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In support of its position, US West argues that this Commission entered Progression Order #3 which established the mediation and arbitration policy for carrying out the mandates of §252 of the Telecommunications Act of 1996. Under that policy, the arbitrator must arrive at an arbitrated agreement that establishes interconnection and network element prices consistent with the Act. In order to carry out this responsibility under the Commission policy, the arbitrator must have available US West's TELRIC cost studies since §252(d) of the Act requires prices to be cost-based.

Upon consideration of the motion, and being fully advised, the Commission is of the opinion that the motion should be denied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion to Sever ILEC Cost Studies for expedited consideration in a separate roceeding made by TCG Omaha under Application No. C-1379 be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska this 17th day of September, 1996.

COMMISSIONERS CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman *[Signature]*

ATTEST:

[Signature]
 Executive Director