

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-1410
of Western Wireless Corporation,)	
Issaquah, Washington, petition for)	
arbitration pursuant to Section)	Motion Sustained/
252(b) of the Telecommunications)	Evidentiary Hearing to
Act of 1996 of the rates, terms)	be Scheduled
and conditions of interconnection)	
with GTE.)	Entered: May 5, 1998

APPEARANCES:

For Western Wireless:
Steven G. Seglin
Crosby, Guenzel, et. al.
134 South 13th Street
Suite 400
Lincoln, Nebraska
and
Gene DeJordy
2001 NW Sammamish Road
Issaquah, Washington

For GTE:
Thomas J. Kelly
McGrath, North, et. al.
1400 One Central Park Plaza
222 S. 15th St., Suite 1400
Omaha, Nebraska
and
Rick Zucker
1000 GTE Drive
P.O. Box 307
Wentzville, Missouri

BY THE COMMISSION:

On March 29, 1996, Western Wireless Corporation (Western) requested renegotiation of its existing interconnection agreement with GTE. Pursuant to Section 252(b) of the Telecommunications Act of 1996, Western filed a petition for arbitration with the Commission on September 6, 1996. A hearing was held on the matter before the parties' mutually-selected arbitrator, Dr. Jerry Langin-Hooper. The Arbitrator filed his decision with the Commission on January 6, 1997. The Commission entered an order denying in part and approving in part the Arbitrator's recommended decision on April 1, 1997. Pursuant to that order, the parties filed an interconnection agreement for the Commission's review. The Commission entered an order approving that agreement on June 4, 1997.

On February 12, 1998, Western filed a motion to compel enforcement of the interconnection agreement alleging that GTE had failed to implement the rates established in the Commission's order and set forth in the approved interconnection agreement. An oral argument was held on the motion on March 30, 1998, in the Commission Hearing Room with appearances as shown.

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Upon review of the statements made at the oral argument, we find sufficient evidence exists to sustain the motion and to proceed with an evidentiary hearing on this matter.

GTE asserts the Commission lacks jurisdiction over this matter because the issue is outside the scope of the arbitration. We disagree. In fact, the central point of the arbitration was resolution and implementation of acceptable rates.

GTE further states it has not implemented the arbitrated rates because Western needs to first make certain changes to its network. Specifically, GTE is requiring separate trunk groups to terminate interLATA calls and to provide switched access services to interexchange carriers. We are without sufficient evidence at this time to ascertain the veracity of these statements. As such, we will hold an evidentiary hearing to determine whether GTE's interpretation of the interconnection agreement and its conditions are consistent with the Commission's orders.

We find the motion should be granted and an evidentiary hearing should be scheduled as soon as possible.

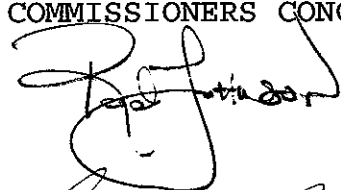
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motion filed by Western Wireless Corporation be, and it is hereby, sustained.

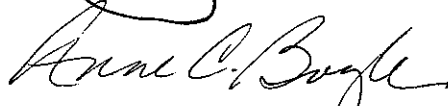
MADE AND ENTERED at Lincoln, Nebraska, this 5th day of May, 1998.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION




Chairman



ATTEST:


Executive Director

//s//Lowell C. Johnson
//s//Daniel G. Urwiller