

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Western Wire-	) Application No. C-1410
less Corporation of Issaquah,	)
Washington, petitioning for	) MOTION TO COMPEL
arbitration pursuant to Section	) DISMISSED WITH PREJUDICE
252(b) of the Telecommunications	) AT PARTIES' REQUEST
Act of 1996 of the rates, terms,	)
and conditions of interconnection	)
with GTE Midwest Incorporated.	) Entered: June 8, 1999

BY THE COMMISSION:

On March 29, 1996, Western Wireless Corporation (Western) requested renegotiation of its existing interconnection agreement with GTE Midwest Incorporated (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 GTE Midwest, Inc. to implement Commission-approved arbitrated interconnection agreement rates (Motion to Compel) alleging that GTE had failed to implement the rates established in the Commission's order and set forth in the approved interconnection agreement. GTE filed its response on March 25, 1998. An oral argument was held on the motion on March 30, 1998, and on April 30, 1998. Pursuant to the Commission's requests, GTE provided the Commission with additional information regarding the trunking requirements set out in the interconnection agreement. On May 5, 1998, the Commission entered an order directing that an evidentiary hearing be held on Western's motion to compel. On May 18, 1998, GTE filed a motion for rehearing. An oral argument was held on the motion for rehearing on May 27, 1998, and on June 2, 1998, the Commission denied GTE's motion for rehearing. On June 16, 1998, the evidentiary hearing was scheduled for August 5, 1998.

Application No. C-1410

PAGE 2

At the conclusion of the August 5, 1998, evidentiary hearing, the Commission directed the parties to provide the Commission with proposed orders which addressed three issues: (1) GTE's objections to the admissibility of Western's Exhibit Nos. 2, 3, 4, and 5; (2) GTE's objection to the admissibility of the testimony of Arbitrator Langin-Hooper; and (3) disposition of Western's Motion to Compel. Both parties have submitted proposed orders to the Commission.

On June 2, 1999, the parties filed the Joint Motion for Entry of an Order Dismissing with Prejudice Western Wireless Corporation's Motion to Compel reciting the foregoing and stating that the parties have settled the issues which are the subject of the foregoing Motion to Compel.

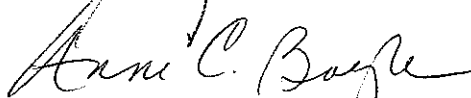
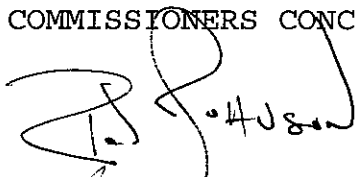
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Western's Motion to Compel be, and it is hereby, dismissed with prejudice.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of June, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

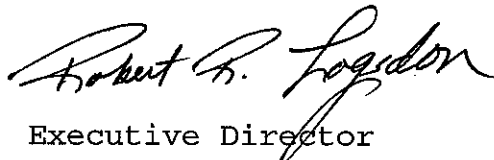
COMMISSIONERS CONCURRING:



//s//Lowell C. Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

  
Chairman

ATTEST:

  
Executive Director