

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission on ) Application No. C-1540  
its Own Motion to Establish Pro- )  
cedures to Review U.S. West Communi- )  
cations, Inc.'s Entry Into the ) Procedural Policy Entered  
InterLATA Market Pursuant to 47 )  
U.S.C. §271. ) Entered: August 18, 1997

BY THE COMMISSION:

On July 28, 1997, the Commission requested all interested parties to submit comments by August 15, 1997 regarding the procedural schedule the Commission should implement to process an application filed by U.S. West Communications, Inc. (USW) to provide interLATA services in Nebraska, pursuant to 47 U.S.C. §271. The docket also requested all parties interested in participating in such a proceeding to identify themselves on or before August 15, 1997.

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

Comments were filed by nine parties, including USW. Only AT&T, MCI and USW suggested changes be made to the proposed procedural schedule. Both AT&T and MCI requested the NPSC to specify a time-line to conduct discovery. AT&T also requested the Commission set forth in more detail the evidence that USW should submit in its application. USW requested the NPSC to include in the procedural schedule the time when a decision on USW's compliance would be made.

We find it is reasonable to include a time-line for conducting discovery. The parties are strongly urged to present only focused discovery requests. We also find it reasonable to reflect when a decision will be made in this docket, as requested by USW. We decline, however, to require the detailed evidence that AT&T requests. The AT&T approach is overly complex.

After considering the comments filed herein, we enter the following policy to process a USW §271 application:

1. The following parties timely notified the NPSC of their interest to participate in USW's §271 application:

Aliant Communications Co.  
AT&T Communications of the Midwest  
Cox Nebraska Telcom, Inc.  
MCI Telecommunications Corp.  
Nebraska Independent Telephone Association  
Nebraska Telephone Association  
Sprint Communications Company, L.P./United Telephone  
Company of the West  
Teleport Communications Group, Inc.

USW and the Department of Justice are also declared interested parties. All other parties wanting to participate shall demonstrate good cause why they did not timely notify the Commission of their interest and why they should be included as a party to the proceeding.

2. No less than 90 days before filing its application for Nebraska with the FCC, USW shall provide the NPSC with notice of its intent to file the application, along with its supporting sworn evidence, exhibits, and work papers on the issues of actual compliance with §271(c), USW's intentions as to separate affiliates, and issues relating to the public interest, convenience and necessity, including a detailed account of the current status of local service competition in USW's Nebraska service territory. On the same date, USW shall notify all interested persons identified in paragraph 1 above of its intention to file the application with the FCC and of the pendency of this fact-finding procedure before the NPSC.

3. On or before 7 days after the filing in paragraph 2, the NPSC and interested parties may serve focused discovery requests on USW.

4. On or before 17 days after the filing in paragraph 2, USW shall provide material responsive to the discovery requests in paragraph 3.

5. On or before 21 days after the filing in paragraph 2, interested parties will file sworn evidence, exhibits, and work papers related to the question of whether USW should be allowed to provide interLATA service for calls originating in Nebraska.

6. On or before 38 days after the filing in paragraph 2, USW may serve focused discovery requests upon parties filing comments in paragraph 5.

7. On or before 48 days after the filing in paragraph 2, parties will provide material responsive to the discovery requests in paragraph.

8. On or before 42 days after the filing in paragraph 2, USW will file reply sworn evidence, exhibits, and work papers.

9. A hearing to cross-examine prefiled testimony will be held between 49 - 63 days after the filing in paragraph 2.

10. Simultaneous post-hearing briefs of all parties will be filed on or before 14 days after the beginning date of the hearing.

11. Because the NPSC will be providing copies of the record to

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the FCC and the DOJ, two additional copies will be necessary. Therefore, hard copies of documents will be filed with an original and eight (8) copies. In addition, whenever possible, electronic filings shall also be made. All documents created with word processing software are to be filed in either Microsoft Word Version 6.0 or earlier, or WordPerfect 6.1, or earlier. Any documents created with spreadsheet software are to be filed in Lotus Release 5. Electronic filings may be made on 3 ½ inch IBM formatted diskettes or compact discs. Two diskettes or compact discs are to be filed. Furthermore, if a request for a copy of an electronic filing on a compact disc is made to the NPSC, the party making the filing on compact disc shall be required to furnish a copy to the person making the request.

12. On or before 95 days after the filing in paragraph 2, the NPSC shall render a decision on USW's compliance with §271.

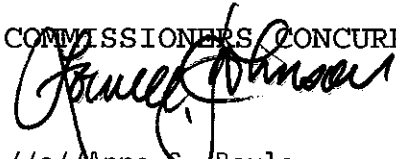
13. Within one business day of its §271 filing for Nebraska with the FCC, USW shall file with the NPSC two copies of the filing, including copies of any evidence filed with the FCC that was not included in the NPSC's fact finding.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the procedural schedule herein is approved.

MADE AND ENTERED in Lincoln, Nebraska on this 18th day of August, 1997.

COMMISSIONERS CONCURRING:



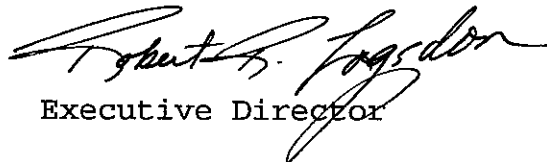
//s// Anne C. Boyle  
//s// Rod Johnson  
//s// Frank E. Landis

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman



ATTEST:



Executive Director

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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