

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska            ) Application No. C-1628  
Public Service Commission, on its        )  
own motion, seeking to conduct an        ) Motion for Reconsideration  
investigation into intrastate            ) Denied  
access charge reform and intra-         )  
state Universal Service Fund.            ) Entered: March 10, 1998

BY THE COMMISSION

On September 15, 1997, the Commission, on its own motion, opened Docket C-1628 to investigate the structure of intrastate access charges and to establish a state Universal Service Fund. All certificated interexchange and local exchange carriers were named parties herein. Formal interventions were filed by the Nebraska Independent Telephone Association and the Nebraska Telephone Association.

On October 28, 1997, an order was released requesting interested parties to file comments identifying substantive issues and proposed procedural schedules. Comments were due November 25, 1997, and reply comments were due December 5, 1997.

On December 9, 1997, a prehearing conference was held in the Commission Hearing Room to establish a procedural schedule and to identify relevant issues to be released for comment. Ten companies entered an appearance at the prehearing conference.

On January 6, 1998, the Commission entered a prehearing conference order which 1) established the procedural schedule and format and 2) identified issues concerning access charge reform and state universal service. Comments and reply comments responding to the issues raised in the prehearing conference order are due March 6, 1998, and April 6, 1998, respectively.

On January 16, 1998, GTE Midwest, Inc. (GTE) filed a motion for reconsideration of the Commission's January 6, 1998, prehearing conference order asking that it be allowed to cross-examine witnesses in this docket. In its motion, GTE claims that due process requires that GTE have the right to cross-examine witnesses in this proceeding.

An oral argument was held on GTE's motion for reconsideration on January 27, 1997, with appearances made by GTE, the Commission staff and Aliant Communications. By letter dated January 29, 1998, the Commission informed all parties who entered an appearance at the prehearing conference of their right to submit a brief in response to GTE's motion for reconsideration. Briefs were submitted by GTE, Aliant Communications, US West Communications, and collectively by Arapahoe Telephone Co., Arlington Telephone Co., Cambridge Telephone Co., Clarks Telecommunications Co., Consolidated Telco, Consolidated Telephone Co., Eastern Nebraska Telephone Co., Great Plains Communications, Hartington Telecommunications Co., Henderson Cooperative Telephone Co., Hershey Cooperative Telephone Co., Hooper Telephone Co., K & M Telephone Co., NebCom, Northeast Nebraska Telephone Co., Pierce Telephone Co., Rock County Telephone Co., Southeast Nebraska

Telephone Co., Stanton Telecom, and the Blair Telephone Co.

All parties filing briefs, except GTE, expressed opposition to the motion for reconsideration.

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

Based upon the oral argument and the briefs filed herein, we deny GTE's motion for reconsideration. The January 6, 1998, order declaring the format of the hearings to be legislative in nature is sustained.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motion for reconsideration filed by GTE Midwest, Inc. be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of March, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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