

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of US West) Application No. C-1830
Communications, Inc., filing)
its notice of intention to file)
Section 271(c) application) PROCEDURAL ORDER No. 15
with the FCC and request for)
Commission to verify US West)
compliance with Section 271(c).) Entered: December 21, 1999

BY THE COMMISSION:

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

On September 9-10, 1999, this Commission held a hearing in this docket on whether US West Communications, Inc. (US West) had satisfied the requirements of Section 271 checklist items 1, 4, 5 and 6. On September 29, 1999, the Commission ordered post-hearing briefs in this matter to be filed with the Commission on or before October 20, 1999. In said order, the Commission specifically noted its desire to have the parties incorporate their comments on the FCC's expected release of its unbundled network elements (UNE) combination order.

However, such order was not released by the FCC before the established October briefing deadline. As a result, the parties were unable to incorporate their comments regarding the FCC UNE Order within their original post-hearing briefs. Therefore, on December 2, 1999, AT&T filed a "Motion For Leave To File Supplemental Briefing On The Impact Of The FCC's UNE Remand Order On US West's Application." In said Motion, AT&T requested the Commission to authorize an additional round of briefs to take comment on the FCC UNE Order⁽¹⁾ which was released November 5, 1999.

Furthermore, on December 9, 1999, US West filed a revised Statement of Generally Accepted Terms (SGAT). Such a filing revises the original SGAT previously filed by US West on July 29, 1999. While the original SGAT was allowed to take effect by operation of law on September 27, 1999, the Commission noted in its August 31, 1999, order in docket No. C-2081, that it would be conducting an ongoing review of the SGAT until finally approved. In addition, the Commission cautioned US West against relying on the original SGAT as persuasive support for its positions in any other proceedings.

In light of AT&T's motion and the filing of US West's revised SGAT, the Commission is of the opinion and finds that an additional comment/briefing period should be allowed. For administrative efficiency and ease of review, the Commission would like additional comments on both the FCC's UNE Remand Order and the revisions contained in US West's revised SGAT as they relate to the September 9-10 hearing in Application No. C-1830. Therefore, interested parties are hereby directed to file such combined comments with the Commission by 5:00 p.m. on January 18, 2000.

Parties should note, however, that actual consideration of the revised SGAT in its entirety will be conducted in a separate proceeding, Application No. C-2185.

Furthermore, in lieu of a reply comment cycle, the Commission shall hear oral arguments on the comments/briefs requested above. Accordingly, the oral argument will be held in the Commission Hearing Room at 1:30 p.m. on January 25, 2000.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that interested parties shall file comments on both the FCC's UNE Remand Order and the revisions contained in US West's revised SGAT as they relate to the September 9-10 hearing in Application No. C-1830. Such comments shall be filed with the Commission by 5:00 p.m. on January 18, 2000.

IT IS FURTHER ORDERED that parties filing comments in this matter shall file one original and five copies as well as an electronic version in WordPerfect format.

IT IS FINALLY ORDERED that the Commission shall hear oral arguments on the comments/briefs filed as a result of this order. Such oral argument will be held in the Commission Hearing Room at 1:30 p.m. on January 25, 2000.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of December, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONER CONCURRING:

Chairman

ATTEST:

Executive Director

1. *In the Matter of the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, CC Docket No. 96-98, FCC 99-238, released November 5, 1999.*

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