

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2400
of Lincoln Electric System,)
Lincoln, seeking contract carrier) MOTION DENIED
permit authority.) Entered: December 21, 2000

BY THE COMMISSION:

By its application filed October 4, 2000, Lincoln Electric System (LES or Applicant) of Lincoln, Nebraska, seeks contract carrier permit authority. Notice of the application appeared in The Daily Record, Omaha, Nebraska on October 5, 2000, pursuant to the rules of the Commission. Formal Interventions were filed by a number of parties, who were made a party to this proceeding.

On November 9, 2000, the Nebraska Telephone Association (NTA) submitted a Motion for Declaratory Ruling, a Memorandum Brief in Support of the Motion for a Declaratory Ruling, a Motion to Stay and a Memorandum Brief in Support of the Motion to Stay.

On December 4, 2000, the Nebraska Cable Communications Association (NCCA) submitted a Motion to Stay Ruling on Nebraska Telecommunications Association's Motion for Declaratory Relief, a Memorandum Brief in support of its Motion and a Request for Oral Argument on its motion. Oral arguments on all motions were held in the Commission Hearing Room on December 11, 2000.

On December 13, 2000, the NCCA submitted a letter to the Commission outlining the nature of its proposed discovery. On December 14, 2000, LES responded to the NCCA's letter and indicated that such discovery was not related to the legal issue of LES's authority.

Upon review of the written submissions and oral argument, we find that the NCCA's motion should be denied.

If the application in C-2400 survives the NTA's Motion for Declaratory Ruling, the NCCA will be allowed to seek discovery on LES's financial, technical and managerial qualifications, as well as the public interest aspects of LES's request for contract carrier authority.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the NCCA's Motion to Stay is denied.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of December, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director