

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission)	Application No. C-2516/
on its own motion, to investigate)	PI-49
cost studies to establish Qwest)	
Corporation's rates for inter-)	
connection, unbundled network)	PROGRESSION ORDER NO. 3
elements, transport and termina-)	
tion and resale services.)	Entered: August 21, 2001

BY THE COMMISSION:

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

I. Motions Requesting to Transfer Evidence

In the hearing on the above-captioned matter held August 8 and August 9, 2001, Qwest Corporation (Qwest) and Cox Nebraska Telecom (Cox) moved the Commission to accept and transfer certain pieces of evidence and exhibits from Application Nos. C-1415 and C-1878.

Written lists identifying the proposed evidence to be transferred was provided by both parties at the hearing. AT&T Communications of the Midwest (AT&T), through its local counsel, objected to the list of documents requested by Qwest to be transferred citing the Commission's previous findings that the evidence has become stale.

AT&T requested that the Commission review the evidence and make a determination on its relevancy. Qwest, in turn, stated that in the Commission's order closing Application No. C-1415, the Commission explicitly provided that parties can transfer evidence from Application No. C-1415. The Commission directed the parties to either file written requests to admit evidence from Application Nos. C-1415 and C-1878 or file objections to any evidence from Application Nos. C-1415 and C-1878 that the parties believed to be stale or irrelevant on or before August 16, 2001.

On August 16, 2001, the Commission received a letter from AT&T, through its undersigned counsel. AT&T stated that it had no objections to the evidence sought to be transferred by Qwest or Cox as reflected in their respective submissions at the hearing so long as AT&T could also transfer its proposed list of evidence from Application No. C-1415 into the above-captioned proceeding. AT&T requested that the Commission transfer the evidence described in its attachment into the current proceeding. AT&T's request was served on all parties. No other objections were filed.

Upon review of the requests from the parties, the Commission finds that the evidence proposed to be transferred into this record from Application Nos. C-1415 and C-1878 appears to be relevant information helpful to a decision in this proceeding and, further, it does not appear to be unduly cumulative. Therefore, we find that

the evidence as identified written lists submitted by AT&T, Cox and Qwest should be transferred into the above-captioned docket.

II. Procedural Schedule

As stated by the Commission at the hearing, interested parties may file post-hearing comments and a proposed order with the Commission. These filings must be received on or before 5:00 p.m., September 6, 2001.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motions to transfer evidence as submitted by AT&T, Cox and Qwest should be and are hereby granted.

IT IS FURTHER ORDERED that post-hearing comments and a proposed order may be filed by the interested parties on or before 5:00 p.m., September 6, 2001.

MADE AND ENTERED at Lincoln, Nebraska this 21st day of August, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director