

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own motion, seeking to investigate telecommunications companies terms, conditions and rates for the provision of wireless termination service.) Application No. C-2920/PI-72
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) ORDER CLOSING DOCKET
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) Entered: July 8, 2003

BY THE COMMISSION:

In Application No. C-2738/PI-58, the Commission considered the appropriate way in which commercial mobile radio service (CMRS) providers and incumbent local exchange carriers (ILECS) should establish interconnection and compensation arrangements for traffic subject to reciprocal compensation under the Telecommunications Act of 1996 (the Act).

On January 22, 2003, the Commission issued an order in Application No. C-2738/PI-58 stating that parties desiring interconnection and reciprocal arrangements should commence formal negotiations within 60 days of the Commission's order. At the end of the 60-day period, the Nebraska Independent Telephone Association (NITA) filed a motion to extend the 60-day period by 30 days. That motion was granted. NITA also filed a motion for clarification as to five issues relating to the tariff docket.

In response, the Commission opened Application No. C-2920/PI-72 listing six issues for comment. On June 19, 2003, the Commission was advised that the NITA and several of the main parties to both dockets, AT&T Wireless Services, Inc. and Western Wireless Corporation had reached an interim resolution to the issues of negotiations and arbitrations raised by the two dockets opened by the Commission.

The Commission has been informed that the NITA and certain CMRS providers have reached an agreement regarding future commencement of negotiations and arbitrations. In so doing, the parties, including CMRS providers who receive requests for negotiations outside of the timelines established in the Commission's Application No. C-2738/PI-58 order, will honor such requests and enter negotiations, and any associated arbitration properly commenced thereafter. Rural ILECS who received a request for negotiations from CMRS providers pursuant to the

Application No. C-2738/PI-58 order will not be foreclosed from subsequently issuing a valid request for negotiations.

The Commission finds that the agreement between NITA and AT&T Wireless, Inc. and Western Wireless Corporation is a reasonable one and consistent with prior Commission orders. The Commission never intended to foreclose further negotiations between parties by establishing the deadlines in the Application No. C-2738/PI-58 order.

Insofar as the NITA and several CMRS providers taking an active role in these dockets are in agreement on this matter, and such agreement is consistent with the Commission's intent in issuing its Application No. C-2738/PI-58 order, upon the joint request of NITA, AT&T Wireless and Western Wireless Corporation, Docket No. C-2920/PI-72 should be closed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2920/PI-72 should be, and is hereby, closed.

IT IS FURTHER ORDERED that incumbent local exchange carriers and/or CMRS providers that receive requests for negotiations outside of the deadlines previously set in the Application No. C-2738/PI-58 order shall honor such requests and enter into negotiations pursuant to this order, Sections 251 and 252 of the Act and/or the rules and orders of the Commission and participate in any arbitration commenced thereafter in accord with such orders, statutes and rules.

NEBRASKA PUBLIC SERVICE COMMISSION:

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director