

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. C-3026
on its own motion, seeking to)
conduct a 9-month proceeding as) HEARING OFFICER'S ORDER
contemplated by the Federal Com-) GRANTING ADDITIONAL
munications Commission in its) DISCOVERY
Triennial Review Order adopting)
new rules for network unbundling)
obligations.) Entered: January 28, 2004

BY THE HEARING OFFICER:

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

On December 29, 2003, and January 16, 2004, MCI and AT&T respectively, each filed Motions to Exceed the Fifty Interrogatory Limitation of Nebraska Discovery Rule 33(a).

Both Motions cite the highly granular analysis necessary for the Commission to complete its Triennial Review responsibilities. In its Motion, AT&T noted that the unique nature and complexity of this case requires additional discovery. Additionally, MCI explained that it must be able to fully explore the nature of the issues in order to adequately prepare for hearing.

On January 21, 2004, Qwest filed its opposition to AT&T's Motion. While Qwest indicated it did not oppose MCI's request, the 330 interrogatories proposed by AT&T were unjustified. On January 23, 2004, ALLTEL likewise filed a response to AT&T's Motion. In its filing, ALLTEL indicated the Commission should impose a limitation on the number of interrogatories that can be served on the ILECs that have filed Notices in this application. Accordingly, ALLTEL requested that AT&T's Motion be denied, but proposed that non-ILEC parties coordinate their interrogatories and be limited to 150 interrogatories as a group on ALLTEL and Qwest.

The concerns expressed by both ALLTEL and Qwest are recognized; however, some additional information sought through discovery appears necessary for the Commission to complete its analysis of the case. Therefore, the Motions are granted, but only to a limited extent.

Accordingly, MCI's Motion is granted, as no party served with such Discovery objected. In regard to AT&T's Motion, AT&T is allowed to issue a total of 150 interrogatories. Should AT&T desire to utilize any of the additional 100 interrogatories granted, such interrogatories must be served on or before February 3, 2004. Any Objections to such interrogatories must

be filed by February 10, 2004, and Responses to such interrogatories must be provided on or before March 4, 2004.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in this matter that the MCI and AT&T Motions to Exceed the Fifty Interrogatory Limitation of Nebraska Discovery Rule 33(a) are granted as set forth above.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of January, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

By: _____
Anne C. Boyle
Hearing Officer