

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-) REGARDING MCI AND AT&T
munications Commission in its) DISCOVERY
Triennial Review Order adopting)
new rules for network unbundling)
obligations.) Entered: December 8, 2003

BY THE HEARING OFFICER:

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

On December 1, 2003, AT&T and MCI each served extensive discovery on both ALLTEL and Qwest in the above-captioned matter. Additionally, on December 4, 2003, MCI served Discovery Requests to CLECs. Such discovery was in addition to the Commission's Consolidated Discovery that was also released on December 1, 2003, pursuant to the Commission's Procedural Order No. 1, dated October 28, 2003.

As both AT&T and MCI participated in the planning conference held in this matter on October 23, 2003, and agreed to the consolidated discovery approach, I am disappointed that AT&T and MCI have attempted to thwart the Commission's effort to conserve time and resources.

Therefore, as AT&T's and MCI's discovery was not consistent with the planning conference held in this matter, nor filed pursuant to the Commission's Procedural Order No. 1, dated October 28, 2003, the Commission will not require any carrier to answer such discovery from AT&T or MCI at this time. Should the answers to the Commission's Consolidated Discovery not provide adequate information to the parties, the parties may seek such supplemental discovery in January pursuant to Procedural Order No. 1.

Therefore, as Hearing Officer in this matter, I hereby order that all carriers may disregard the discovery previously served by AT&T and MCI in this case in Nebraska. Should a carrier desire to voluntarily address the issues contained within such discovery they may do so at any time.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that all carriers may disregard the discovery previously served by AT&T and MCI in this case in Nebraska at this time.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of December, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

By: _____
Anne Boyle
Hearing Officer