

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)
contemplated by the Federal Com-) PROCEDURAL ORDER NO. 1 AND
munications Commission in its) REQUEST FOR COMMENTS
Triennial Review Order adopting)
new rules for network unbundling)
obligations.) Entered: October 28, 2003

BY THE COMMISSION:

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

On October 23, 2003, the Nebraska Public Service Commission (Commission) conducted a planning conference in the above-captioned proceeding to address procedural and scheduling issues with regard to the matters that must be resolved within nine months of the effective date of the Federal Communications Commission's (FCC) Triennial Review Order (TRO) issued on August 21, 2003, and which became effective on October 2, 2003. Several parties participated, including representatives from both incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs).

In an effort to timely and efficiently proceed in this docket, a comprehensive timeline was developed with the parties input. The Commission hereby adopts the following procedural schedule in this proceeding, unless otherwise ordered by the Commission:

November 3, 2003

- Deadline for interested ILECs to file a notice framing the scope of the case that will be presented in Nebraska, including, if possible, a preliminary description of the geographic markets upon which the Commission will determine impairment and if possible its proposal regarding implementation of a process for batch hot cuts.

If, after the filing of the original notice any of the information provided by such ILEC in the original notice changes, the ILEC shall immediately file an amended notice.

November 10, 2003

- Deadline for intervention in this proceeding. Interested parties must file with the Commission a statement of their intended participation in this proceeding. Interested parties should also include both an email and regular mailing address for its designated contact person to receive service of documents related to this proceeding.

November 17, 2003

- Deadline for comment on the proposed protective order. Said protective order is available for review on the Commission's website at www.psc.state.ne.us and by clicking on the "TRO Proceedings" link. Parties desiring modifications thereto should propose specific language changes.
- Deadline for comment on the proposed consolidated discovery requests. As the proposed discovery is still a work-in-progress at this time, it is anticipated such discovery will be made available for review on or around November 4, 2003, on the Commission's website at www.psc.state.ne.us by clicking on the "TRO Proceedings" link. Please comment on which questions, if any, are unnecessary and/or if additional questions are warranted. Furthermore, please indicate the parties upon which said discovery should be served and the Commission's jurisdiction upon which it can impose such discovery.

December 1, 2003

- Anticipated date for service of consolidated discovery.

December 15, 2003

- Deadline for objections to consolidated discovery requests.

December 31, 2003

- Deadline for answers to consolidated discovery.

January 8, 2004

- Deadline for service of supplemental discovery requests between parties.

January 23, 2004

- Deadline for objections to discovery requests from other parties.

February 6, 2004

- Deadline for answers to discovery requests from other parties.

February 17, 2004

- Deadline for resolution of all discovery disputes.

March 1, 2004

- Deadline for direct testimony and exhibits.

April 5, 2004

- Deadline for rebuttal testimony and exhibits.

April 26, 2004 through May 7, 2004

- Hearings (as needed) *Please note that April 30 is a state holiday and no hearings will be held on that day.

June 7, 2004

- Deadline for post-hearing briefs/proposed orders.

June 29, 2004

- Anticipated release date of Commission's decision.

In an effort to effectuate the procedural schedule set forth above, the Commission will maintain a service list of all parties interested in this proceeding. Such service list will be routinely updated and provided to all parties via email. Parties are directed, where possible, to serve all parties electronically. In addition to electronic service, paper service should be made to requesting parties, including the Commission. Paper service on the Commission should include one original plus five copies.

Finally, in order to accommodate the time schedule for completing post-hearing briefs/proposed orders and preparation of the Commission's final order, the parties have agreed to retain an independent court reporter to complete the necessary

transcripts in this proceeding. Qwest is hereby directed to coordinate with the other parties to accomplish this end.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that procedural schedule for the 9-month proceeding as set forth above is hereby adopted.

IT IS FURTHER ORDERED that interested parties must intervene in this proceeding by filing with the Commission a statement of their intended participation in this proceeding on or before November 10, 2003, and include both an email and regular mailing address of its designated contact person for service of documents related to this proceeding.

IT IS FURTHER ORDERED that interested parties should provide comment as requested above and in the timeframe set forth herein.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of October, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director