

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Qwest Corporation, Denver, Colorado, seeking to amend its certificate of public convenience and necessity to provide local exchange service in all exchanges within the State of Nebraska in which Qwest is not currently a certified local exchange carrier.)	Application No. C-3050
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)	
)	
)	MOTIONS TO DISMISS DENIED
)	AND PROCEDURAL SCHEDULE
)	ESTABLISHED
)	
)	
)	Entered: January 13, 2004

BY THE COMMISSION:

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

Motions to Dismiss:

On January 6, 2004, the Commission held oral arguments on Motions to Dismiss filed by the Rural Independent Companies, Elsie Communications and Hemingford Cooperative Telephone Company (together, referred to as the "Movants") requesting the Commission dismiss Qwest Corporation's (Qwest) application. James Overcash and Paul Schudel appeared for the Movants and Tom Snyder appeared on behalf of Qwest.

The Movants argued that Qwest's application for expanded authority was incomplete, as it did not satisfy the requirements set forth in the Commission's Telecommunications Rules and Regulations, Section 002.49. Furthermore, although Qwest had previously indicated that it would supplement its application, it failed to do so by the date of the oral argument. Therefore, the Movants requested that Qwest's application be dismissed.

Mr. Snyder, on behalf of Qwest, stated that in his opinion Qwest's application satisfied the Commission's requirements. However, Mr. Snyder agreed that Qwest would supplement its application to comply with the Commission's Telecommunications Rules and Regulations, Section 002.49 by Friday, January 9, 2004.

Upon consideration of the oral arguments and the fact that Qwest has, indeed, filed supplemental information in this application, the Commission is of the opinion and finds that the Movants' Motion to Dismiss should be denied.

Procedural Schedule:

In an effort to streamline the processing of the application, the Commission conducted a planning conference on January 6, 2004, in the Commission Hearing Room at the conclusion of the Oral Arguments on the Motions to Dismiss. As such Motions were rejected, the following procedural schedule will be adopted for this proceeding.

February 6, 2004 - Deadline for service of discovery by Intervenor.

February 13, 2004 - Deadline for service of discovery by Qwest.

March 8, 2004 - Deadline for Qwest's responses to discovery.

March 15, 2004 - Deadline for Intervenor responses to discovery.

March 30, 2004 - Deadline for Pre-filed Testimony and Exhibits.

April 6, 2004 - Hearing at 2:00 p.m.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motions to Dismiss filed by the Movants are denied.

IT IS FURTHER ORDERED that the procedural schedule set forth above is hereby adopted.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of January, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director