

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-3204
of Sprint Communications, L.P.,)
Overland Park, Kansas, seeking)
approval of an amendment to its)
certificate of public) HEARING OFFICER ORDER
convenience and necessity to) REGARDING EVIDENTIARY
provide local exchange) OBJECTIONS
telecommunications service in)
all exchanges within the State)
of Nebraska in which Sprint is)
not currently certificated.)

Entered: November 12, 2004

BY THE HEARING OFFICER:

A hearing in the above-captioned matter was held on November 4, 2004. Pursuant to the November 1, 2004 Hearing Officer order, the rules of evidence were applicable. Several evidentiary objections were made during the hearing. Rulings were reserved on the admissibility of the following:

Exhibit 7 - Sprint Communication Company, L.P.'s ("Sprint") Confidential Responses to Intervenor's Data Requests Nos. 1, 4, 7, 9, 10, 11, 12, and 13, offered by Sprint;

Exhibit 14 - May 24, 2004 Order No. 2004-213, Docket No. 2003-362-C, The Public Service Commission of South Carolina offered by Southeast Telephone Company (Southeast); and

Exhibit 15 - February 11, 2003 Order, Docket No. 2002-792, State of Maine Public Utilities Commission, offered by Southeast.

As stated in the November 1, 2004 Hearing Officer Order, the Commission frequently looks to the decisions of other jurisdictions. Although Exhibits 14 and 15 do not represent binding precedent, we will take judicial notice of the exhibits and will give the orders the weight they deserve.

With respect to Exhibit 7, Sprint's Responses to Requests Nos. 2, 3, 5, 6, and 8 were previously offered by Southeast and were admitted into evidence during the hearing. The responses offered by Southeast were proffered by Sprint's witness, James Burt, and counsel for Southeast inquired into those responses during cross examination of Mr. Burt. Sprint offered the remaining responses and Southeast objected. The remaining responses were provided by Sprint's second witness, Dr. Brian

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Staihr. Finally, exhibit 7 was part of Southeast's exhibit list, but did not appear on Sprint's exhibit list.

For the reasons set forth above, I find that the objection to Response Nos. 1, 4, 7, 9, 10, 11, 12, and 13 should be sustained.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Commission will take judicial notice of Exhibits 14 and 15.

IT IS FURTHER ORDERED that Southeast's objection to Sprint's Confidential Responses to Intervenor's Data Requests Nos. 1, 4, 7, 9, 10, 11, 12, and 13 shall be and is sustained.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of November 2004.

By:


Frank E. Landis

Hearing Officer