

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-3228
of Time Warner Cable Information)	MOTIONS FOR ORAL ARGUMENT
Services (Nebraska) LLC d/b/a)	AND TO RESCHEDULE HEARING
Time Warner Cable for a)	DATE OVERRULED AND
certificate of authority to)	PROCEDURAL SCHEDULE
provide local and interexchange)	MODIFIED
voice services within the state)	
of Nebraska.)	Entered: September 13, 2004

BY THE HEARING OFFICER:

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

By motions filed September 9, 2004, Southeast Nebraska Telephone Company (Southeast or Intervenor) seeks oral argument on its motion to compel and requests the Commission to reschedule the hearing date. On September 10, 2004, Time Warner Cable Information Services (TWCIS) filed an opposition to both the motion for oral argument and the motion to reschedule the hearing date.

Upon consideration of the motions filed by Southeast, the Hearing Officer is of the opinion and finds the motion for oral argument and the motion to reschedule the hearing date should be overruled. The hearing officer finds TWCIS has acted in good faith and has reasonably responded to the Intervenor's request for documents and, in particular, to Data Request No. 5 by disclosing a redacted copy of the wholesale voice services agreement between Sprint and TWCIS. As far as the Commission has been made aware, the parties are continuing to make reasonable efforts to exchange requested information. The Hearing Officer finds that no oral argument on the Motion to Compel is warranted at this time.

Furthermore, the Hearing Officer is of the opinion and finds that rescheduling the hearing would be too burdensome on the applicant. Initially, the Commission moved the hearing to September 17, 2004, to accommodate the Intervenor's schedule. Moving the hearing at this late date would be a burden and expense on the applicant whose witness has already made travel arrangements.

In light of Southeast's request for more time, however, the Hearing Officer will move the Intervenor's deadline for pre-filed testimony to Thursday, September 16, 2004, at 2:30 p.m., CDT. This would give the Intervenor approximately one week's time to have reviewed the materials voluntarily supplied by TWCIS and prepare any testimony responsive to the documents

produced. The Hearing Officer finds no oral argument on this motion is warranted.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Motion for Oral Argument and the Motion to Reschedule the Hearing Date are hereby overruled.

IT IS FURTHER ORDERED that the Intervenors now have until 2:30 p.m., September 16, 2004, to file pre-filed testimony with the Commission as provided herein.

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

NEBRASKA PUBLIC SERVICE COMMISSION

By: _____
Hearing Officer