

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Sprint)	Application No. C-3429
Communications Company L.P.,)	
Overland Park, Kansas, Petition)	
for arbitration under the)	
Telecommunications Act, of)	DISCOVERY ORDER
certain issues associated with)	
the proposed interconnection)	
agreement between Sprint and)	
Southeast Nebraska Telephone)	
Company, Falls City.)	Entered: July 8, 2005

BY THE HEARING OFFICER:

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

This matter comes before the Commission on the Petition filed by Sprint Communications Company L.P., Overland Park, Kansas (Sprint) for arbitration of various issues with Southeast Nebraska Telephone Company (SENTCO), Falls City. The Commission, pursuant to a Motion filed by SENTCO, agreed to act as arbitrator in this proceeding. On June 22, 2005, a planning conference was held and a case progression schedule was subsequently established by the Commission upon agreement of the parties. In accordance with the case progression schedule, the parties served discovery on June 28, 2005. The parties filed their objections to the discovery requests propounded on July 5, 2005. An oral argument time was reserved so that the Hearing Officer could listen to the arguments on the discovery objections.

On July 6, 2005, the parties, in order to conserve the Commission's time, reached consensus on how to handle the various discovery objections and agreed to forego the July 6, 2005 oral argument on the objections. The agreement between the parties was relayed as follows:

1. Neither Sprint nor SENTCO are waiving and do reserve the right under the Nebraska Discovery Rules to proceed with motions to compel if any of the responses received on July 14 (per the existing schedule) are deemed inadequate by either party.

2. To the extent either party is required by the Nebraska Discovery Rules or Commission order to supplement its discovery responses, or chooses voluntarily to supplement its responses, the party will serve such supplemental responses on the other party on or before July 25, 2005.

3. Concerning SENTCO's Interrogatories numbered 3 and 4, Sprint's objection stating that it "will reasonably construe the Interrogatory consistent with Sprint's Petition . . ." is understood to mean the entire text of the quoted portions from pages 3 and 4 of the Petition that appear in each of these Interrogatories, as opposed to the shortened quoted portion set out in such Interrogatories. With regard to SENTCO Interrogatory No. 9, Sprint will identify any other entities with which it has "a business arrangement." For purposes of Interrogatory No. 9, "business arrangement" means services comparable to the services described in the Petition and limited to the State of Nebraska, as requested in Interrogatory No. 9.

4. With regard to SENTCO Document Request No. 2, the term "business arrangement" means services comparable to the services described in the Petition, and limited to the State of Nebraska.

5. SENTCO Document Request No. 4 is encompassed by the parties' agreement with regard to supplemental discovery as described in paragraph 2 above.

6. SENTCO withdraws Interrogatory No. 14 and Request for Admission No. 6.

Upon consideration that both parties have agreed to the foregoing terms and conditions, and finding the terms and conditions reasonable, the Hearing Officer will approve such to guide the parties' continued discovery efforts.

Application No. C-3429

PAGE 3

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the aforementioned terms and conditions will guide the parties' continued discovery efforts.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of July, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

By:

Paul J. Jandis
Hearing Officer

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