

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	)	HEARING OFFICER ORDER
Telecommunications Act, of	)	
certain issues associated with	)	
the proposed interconnection	)	
agreement between Sprint and	)	
Southeast Nebraska Telephone	)	
Company, Falls City.	)	Entered: August 5, 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 Hearing Officer on a motion in limine filed by Sprint Communications Company L.P. (Sprint or Petitioner) on July 29, 2005. Sprint's motion seeks to exclude certain discovery and documents identified by Southeast Nebraska Telephone Company (SENTCO). Specifically, Sprint requests an order excluding the items identified by SENTCO in Response to Sprint's Request for Production No. 1 and listed as Exhibit Nos. 3,5,6,7,8,9,10,11,12,13,14,15,16, and 17 of SENTCO's Exhibit Designations filed electronically on July 25, 2005. On August 5, 2005, SENTCO electronically filed its response to Sprint's motion in limine. In SENTCO's reply, the designation of exhibits 9, 11, 15 and 17 were withdrawn. Accordingly, with respect to those exhibits Sprint's motion in limine is moot. This Order addresses the remaining portions of Sprint's motion.

Upon consideration of the motion, the Hearing Officer finds the motion in limine should be denied with respect to exhibits 3, 5, 6, 8, 10, 12 and 16. With respect to the designation of exhibits 10, 12 and 16, the Hearing Officer finds that portions of these designated documents may be relevant in describing the business arrangement between Sprint and Time Warner and may be received at the hearing to the extent they are admissible for the purpose in which they are offered.

Sprint's motion should be granted with respect to exhibits 7, 13, and 14. The Hearing Officer does not agree that a violation of the protective order has occurred by SENTCO's designation of exhibit 7, but agrees with the argument forwarded by Sprint that the protective order issued in C-3204 would prohibit the use and disclosure of the confidential information provided in that proceeding in the matter before us. Further, SENTCO designated exhibits 13 and 14 for the purpose of impeachment. Although certain portions of the transcript for C-

3228 which describe the business arrangement between Sprint and SENTCO may be admissible at the hearing, standing alone, the use of exhibits 13 and 14 for the impeachment of Mr. Burt who was not involved in C-3228 will not be permitted. Accordingly, the motion in limine is granted as it pertains to exhibits designated by SENTCO as 13 and 14.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the motion in limine filed by Sprint is hereby granted in part and denied in part as provided herein.

MADE AND ENTERED at Lincoln, Nebraska this 5th day of August, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

By: \_\_\_\_\_  
Hearing Officer