

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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|----------------------------------|---|------------------------------|
| In the Matter of the Joint |) | Application No. C-3448/NUSF- |
| Petition of Allo Communications, |) | 46/PI-102 |
| LLC, Imperial; Mobius |) | |
| Communications Company, |) | PLANNING CONFERENCE ORDER |
| Hemingford; and Pinpoint |) | AND RULING ON QWEST'S |
| Communications, Inc., Cambridge, |) | PETITION FOR FORMAL |
| for a docket to investigate |) | INTERVENTION |
| findings and conclusions under |) | |
| C-2516 and NUSF-26 regarding |) | |
| competitive business |) | |
| telecommunications. |) | Entered: October 4, 2005 |

BY THE COMMISSIONER:

By application filed July 15, 2005 Allo Communications LLC (Allo), Imperial, Mobius Communications Company (Mobius), Hemingford, and Pinpoint Communications, Inc. (Pinpoint), Cambridge, jointly request an investigation of the Commission to modify its findings and conclusions issued in C-2516 and NUSF-26 regarding competitive business telecommunications. Dockets C-2516 and NUSF-26 were proceedings initiated by the Commission on its own motion. The Commission caused notice of this application to appear in the Daily Record on July 21, 2005. Petitions of Formal Intervention were filed by the following: The Rural Independent Companies, Arlington Telephone Company, Blair Telephone Company, Clarks Telecommunications Co, Consolidated Telephone Co., Consolidated Telco Inc., Consolidated Telcom Inc., Eastern Nebraska Telephone Co., Great Plains Communications Inc., Hartington Telecommunications Co. Inc., Hershey Cooperative Telephone Company Inc., K & M Telephone Company Inc., Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, Stanton Telephone Co Inc., and Three River Telco., (collectively the "Rural Independent Companies"), through their attorneys Paul Schudel and James Overcash; and by Nebraska Technology and Telecommunications Inc. ("NT&T"), and Orbitcom, Inc., through their attorney Mark Fahleson.

A Petition of Formal Intervention was filed out of time by Qwest Corporation (Qwest) on September 26, 2005. The Petition of Formal Intervention was not served on all parties of record prior to the Planning Conference. However, all parties were made aware of Qwest's filing at the Planning Conference. No party opposed Qwest's Petition. Qwest argues that it will likely be affected by the determinations made by the Commission in this proceeding. Upon consideration of the circumstances in this case and in the interest of fairness, the Commission has

decided to waive section 015.01B of the Rules of Commission Procedure and give Qwest party status in this case.

The parties attending the Planning Conference agreed upon the case progression schedule detailed below. Service shall be sent electronically to all parties to this proceeding, accompanied by or followed-up with paper copies.

| <u>Event:</u> | <u>Deadline:</u> |
|-------------------------------|------------------|
| Direct Testimony ¹ | October 17, 2005 |
| Rebuttal Testimony | October 28, 2005 |

A hearing on this matter will be held on **November 10, 2005** at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln.

A Planning Conference was held in the Commission Library on September 26, 2005 at 2:00 p.m. The following persons entered appearances: Loel Brooks on behalf of the applicant/petitioners, Mark Fahleson on behalf of Orbitcom, Inc., and NT&T, James Overcash on behalf of the Rural Independent Companies and Jill Gettman on behalf of Qwest.

The Commission's amended service list for this proceeding is as follows:

For the Applicants:

Loel P. Brooks
Brooks, Pansing, Brooks, PC,
LLO
984 Wells Fargo Center
1248 O Street
Lincoln, NE 68508

For the Rural Independent
Companies:

Paul M. Schudel, and
James A. Overcash,
Woods & Aitken LLP
301 S. 13th Street, Ste. 500

For the Commission staff:

Shana Knutson
300 The Atrium Building
1200 N Street
Lincoln, Nebraska 68508
(402) 471-3101

For NT&T and Orbitcom Inc.:

Mark A. Fahleson
Rembolt Ludtke LLP
1201 Lincoln Mall, Ste. 102
Lincoln, NE 68508
(402) 475-5100

¹ Prefiled direct and rebuttal testimony is to be filed concurrently by all parties. Parties do not have to file direct testimony in order to file rebuttal testimony.

Lincoln, NE 68508
(402)437-8500
(402)437-8558 Fax

For Qwest Corporation:

Jill Gettman
Gettman & Mills LLP
10250 Regency Circle
Suite 200
Omaha, NE 68114
(402)320-6000

Corrections or amendments to this service list must be filed in writing with the Commission and served on all other interested parties.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the case progression schedule detailed above be and it is hereby adopted. All filings shall be made in accordance therewith.

MADE AND ENTERED at Lincoln, Nebraska this 4th day of October, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director