

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. NUSF-50
Public Service Commission, on)	Progression Order No. 3
its own motion to make)	
adjustments to the universal)	
service fund mechanism)	
established in NUSF-26.)	
)	
In the Matter of the Nebraska)	Application No. C-3554/PI-112
Public Service Commission, on)	
its own motion, seeking to)	
investigate whether the zones)	MOTION DENIED
established in Docket No. C-2516)	
are appropriate in light of)	
NUSF-26 findings and)	
conclusions.)	Entered: December 4, 2007

BY THE COMMISSION:

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

On November 13, 2007 Qwest Corporation (Qwest) filed a Motion for Rehearing and Reconsideration of the Commission's October 10, 2007 Opinions and Findings in the above-captioned dockets. In its motion, Qwest stated that it anticipated filing a federal court challenge to the Commission's Order issued on October 10, 2007, which adopted the Commission staff's proposal in part in relation to unbundled network element (UNE) zones and porting universal service support to competitive local exchange carriers. Qwest requested the Commission rehear and reconsider the portion of the Commission's order addressing UNE zones and implementation. Qwest further stated it believed the Commission correctly adopted the Commission staff's universal service porting model.

Upon consideration of Qwest's motion, the Commission finds that said motion was filed out of time and should therefore be denied. Neb. Admin. Code, title 291, chapter 1, section 021.02 provides that a motion for rehearing must be filed within 10 days from the date the Commission's Order is mailed to the party appealing. Qwest's motion was filed approximately thirty (30) days after the Commission's Order was entered and mailed. Accordingly, we consider Qwest's motion untimely and it is therefore denied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Qwest's Motion for Rehearing and/or Reconsideration be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska this 4th day of December, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director