

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| In the Matter of the Application | ) | Application No. C-3796     |
| of Cox Nebraska Telcom, LLC,     | ) |                            |
| Omaha, seeking arbitration and   | ) |                            |
| approval of an Interconnection   | ) |                            |
| Agreement, made pursuant to      | ) | ORDER GRANTING REQUEST FOR |
| Section 252 of the               | ) | EXTENSION                  |
| Telecommunications Act of 1996,  | ) |                            |
| with Qwest Corporation, Denver,  | ) |                            |
| Colorado.                        | ) | Entered: May 8, 2007       |

BY THE COMMISSION:

On April 16, 2007, an application was filed with the Nebraska Public Service Commission (Commission) by Cox Nebraska Telcom, LLC, (Cox), Omaha, seeking arbitration and approval of an Interconnection Agreement with Qwest Corporation, (Qwest), Denver, Colorado.

Commission arbitration policy sets a deadline for the parties to choose an arbitrator fifteen (15) days after receipt of the petition by the Commission. Accordingly, the deadline was established as May 1, 2007. Further, if either party desires to choose an arbitrator not on the Commission's arbitrator list, notice along with the name, phone number, and curriculum vitae of the alternative arbitrator must be filed with the Commission within seven (7) days after receipt of the petition by the Commission, or April 23, 2007. On April 30, 2007, Cox and Qwest filed a joint motion for an extension of the deadline to choose the arbitrator and requesting opportunity to select an arbitrator not on the Commission's arbitrator list. Counsel for both Cox and Qwest state that they have worked diligently to identify potential arbitrators and continue to do so, but have been unsuccessful in locating a qualified candidate agreeable to both parties. Cox and Qwest have requested an extension of three weeks, until May 22, 2007, to find a mutually acceptable arbitrator.

We find that Cox and Qwest's request for an extension of time to choose an arbitrator and the opportunity to select an arbitrator not on the Commission's arbitrator list should be granted. Therefore, we find the parties have until **May 22, 2007**, to select an arbitrator and inform the Commission of the selection, providing the name, telephone number, and curricula vitae of the selected arbitrator. Further, if the parties fail to reach agreement on selection of an arbitrator by the deadline, in order to expedite matters, the Commission will make the selection of the arbitrator in this matter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motion by Cox Nebraska Telcom, LLC and Qwest Corporation for an extension of the deadline to choose an arbitrator be, and is hereby, granted and deadline for choosing an arbitrator is extended to **Tuesday, May 22, 2007.**

IT IS FURTHER ORDERED that the parties may select an arbitrator not appearing on the Commission arbitrator list and shall notify the Commission of the selection as provided above.

IT IS FURTHER ORDERED that if the parties fail to select an arbitrator by the deadline set in this order, the Commission will select the arbitrator.

MADE AND ENTERED in Lincoln, Nebraska, on this 8<sup>th</sup> day of May, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director