BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission to conduct an investigation of Qwest Corporation's Proposed Switched Access Charge Rates.	) Application Nos. C-3945/ NUSF-60.02/ PI-138) ORDER DENYING MOTION TO FILE DIRECT TESTIMONY) Entered: November 17, 2008

BY THE HEARING OFFICER:

On August 26, 2008, Sprint Communications Company L.P., d/b/a Sprint; Sprint Spectrum L.P., d/b/a Sprint PCS; Nextel West Corp., d/b/a Nextel; and NPCR, Inc., d/b/a Nextel Partners (collectively "Sprint Nextel") Petition for Informal Intervention, filed on August 25, 2008, was granted by the Hearing Officer in the above-captioned proceeding. Pursuant to Commission Rules of Procedure, 291 Neb. Admin. Code, Ch. 1, Rule 015.02, Informal Intervenors desiring to present testimony in a proceeding must attach the testimony of only one witness to the Petition for Informal Intervention and serve the testimony on all parties to the docket. Sprint Nextel did not include any pre-filed testimony with its Petition for Informal Intervention.

On November 13, 2008, Sprint Nextel filed a Motion for Leave to File the Direct Testimony of one witness. Sprint Nextel states that at the time its Petition for Informal Intervention was filed, submission of specific and targeted testimony pertinent to the current proceeding was not feasible. I find Sprint Nextel's motion should not be granted.

Sprint Nextel chose to participate only informally in the above-captioned proceeding. Informal Intervenors are not parties to a proceeding and therefore are exempted from certain requirements of Formal Intervenors, such as submitting to discovery. Now Sprint Nextel seeks leave to file the testimony of a witness. Sprint Nextel did not file testimony when it petitioned for Informal Intervention, as allowed under Commission Rules of Procedure, and did not serve its testimony on the other Parties to the above-captioned docket. Not submitting testimony at the time of its Petition for Informal Intervention failed to provide notice to the other Parties of Sprint Nextel's intention to offer testimony in the proceedings. Therefore, I being fully advised in the premises hereby find that Sprint Nextel's motion to file Direct Testimony should be denied.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that Sprint Communications Company L.P., d/b/a Sprint; Sprint Spectrum L.P., d/b/a Sprint PCS; Nextel West Corp., d/b/a Nextel; and NPCR, Inc., d/b/a Nextel Partners's motion for leave to file direct testimony be, and is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of November, 2008.

BY:

Frank E. Landis
HEARING OFFICER