

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application Nos. C-3945/
Public Service Commission to) NUSF-60.02/
conduct an investigation of) PI-138
Qwest Corporation's Proposed)
Switched Access Charge Rates.) PLANNING CONFERENCE ORDER,
) NOTICE OF HEARING, AND PRO HAC
) VICE MOTION GRANTED
)
) Entered: August 22, 2008

BY THE HEARING OFFICER:

On July 9, 2008, Qwest Corporation ("Qwest") filed a Notice of Intent to File Catalog with Increased Switched Access Rates. On July 16, 2008, pursuant to Neb. Rev. Stat. § 86-140 (Cum. Supp. 2006), MCI Communications Services Inc. d/b/a Verizon Business Services ("Verizon") filed a protest and a request for review of Qwest's proposed access rate increase. On July 29, 2008, the Commission entered an order suspending the effective date of Qwest's access rate increase, opening the above-captioned investigation, and setting a deadline to formally intervene of August 11, 2008. Notice of the docket was published in The Daily Record, Omaha, Nebraska, on July 30, 2008.

Petitions for Formal Intervention were timely filed by Verizon, the Rural Independent Companies ("RIC"), AT&T Communications of the Midwest, Inc. and TCG Omaha (collectively "AT&T"), McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services ("PAETEC"), Windstream Nebraska, Inc. ("Windstream"), United Telephone Company of the West, d/b/a Embarq ("United"), the Rural Telecommunications Coalition of Nebraska ("RTCN"), and the Communications Department and Nebraska Telecommunications Infrastructure and Public Safety Department of the Commission (collectively "Commission Staff").

Motion Pro Hac Vice

This matter comes before the Hearing Officer on the motion of Jill Vinjamuri Gettman to admit Timothy J. Goodwin, a nonresident attorney, to practice in Nebraska on behalf of Qwest Corporation, in the above-referenced docket. Mr. Goodwin filed his motion through Ms. Gettman, a resident of Nebraska, who is duly and regularly admitted to practice in the courts of record in this state. Mr. Goodwin is a practicing attorney in good standing for the courts of record in the State of Colorado. Being duly advised of the premises, I find said motion should be granted.

Planning Conference

A planning conference was held on August 21, 2008, at 2:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, and via telephone conference. The following parties were present at the conference: for Verizon, Steven G. Seglin of Crosby, Guenzel, LLP; for AT&T, Loel P. Brooks of Brooks, Pansing, Brooks PC LLO; for RTCN, Troy Kirk of Rembolt Ludtke LLP; for RIC and Windstream, James A. Overcash of Woods & Aiken LLP; for United, Deonne Bruning of Deonne Bruning, PC LLO; and for the Commission, Nichole Underhill. Participating via telephone for Qwest, Timothy J. Goodwin of Qwest and Jill Vinjamuri Gettman of Gettman & Mills LLP; for AT&T, Letty S.D. Friesen; for Verizon, Thomas F. Dixon and Neal Larson; for Commission Staff, Shana Knutson.

As a result of the planning conference, several issues were decided. Therefore, this order serves to memorialize those decisions and to provide a timeline for proceeding in this docket.

Agreement to Waive Statutory Timeline

All the parties at the planning conference orally stipulated and agreed to waive the deadline set in Neb. Rev. Stat. § 86-140(1)(Cum. Supp. 2006). Said statute provides that the Commission must conduct a hearing within 90 days of a filing of a request for review of an access charge rate filing. Accordingly, the deadline to hold the hearing would be on or before October 14, 2008. All parties agreed to a procedural schedule in this docket with dates that extend beyond the 90 day statutory requirement to hold the hearing. William A. Haas, counsel for PAETEC, agreed to the extension via electronic mail on August 22, 2008.

Deadlines

Deadlines for various events were established and are set forth in Appendix A.

Service

The official service list for this proceeding is set forth in Appendix B of this order. All persons are responsible for updating their own list.

All parties shall file all documents on all parties of record. All parties shall file all documents in electronic,

Microsoft WORD compatible format via email with paper copies sent via mail to follow.

Parties are encouraged to engage in negotiations; however, the conduct of negotiations does not relieve the parties of their obligation to meet filing deadlines.

A Hearing in Application No. C-3945/NUSF-60.02/PI-138 will be held on **October 22, 2008**, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. The hearing will be extended to October 23, 2008, as necessary.

Hearing Accommodations

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the above-referenced motion to admit a non-resident attorney be and it is hereby granted.

IT IS FURTHER ORDERED that the deadlines and requirements established in this order and attached hereto are hereby adopted.

IT IS FURTHER ORDERED that a hearing in Application No. C-3945/NUSF-60.02/PI-138 will be held on **October 22, 2008**, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and continue to October 23, 2008 as necessary.

MADE AND ENTERED in Lincoln, Nebraska, on this 22nd day of August, 2008.

BY:

Frank E. Landis
HEARING OFFICER

APPENDIX A

PROCEDURAL SCHEDULE

<u>DAY</u>	<u>DATE</u>	<u>EVENT</u>
Thursday	August 28	Discovery Requests filed
Monday	September 8	Qwest Discovery Responses to AT&T Discovery Requests filed
Thursday	September 11	All other Discovery Responses filed
Monday	September 15	Follow-up Discovery Requests (if any) filed
Monday	September 15	Qwest Pre-filed Testimony filed
Monday	September 22	Follow-up Discovery Responses (if any) filed
Wednesday	October 1	Response Testimony filed
Tuesday	October 14	Rebuttal/Cross Answer Testimony filed
Thursday	October 16	Pre-hearing Motions and all Exhibits for Hearing filed
Friday	October 17	Responses to Pre-hearing Motions filed
Wednesday	October 22	Hearing
Thursday	October 23	Hearing (if necessary)

APPENDIX B

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