

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. C-4165/PI-150
on its own motion, seeking to)
investigate whether it is) ORDER ESTABLISHING PROCEDURAL
appropriate for) SCHEDULE
telecommunications companies to)
assess intrastate transit)
charges on Extended Area Service)
Traffic.) ENTERED: July 1, 2009

BY THE HEARING OFFICER:

By Order entered on April 28, 2009, the Commission opened this investigation to address the issues raised by a Petition for Declaratory Ruling filed by several rural independent local exchange carriers. The Commission, in the Order opening the investigation, found the issues raised by the rural independent companies raised issues of statewide commercial concern. Notice of this proceeding appeared in the Daily Record, Omaha, on April 29, 2009.

A Petition for Formal Intervention was filed by the following rural independent companies: Arapahoe Telephone Company, Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Co., and Rock County Telephone Company (all of such companies d/b/a American Broadband); Hamilton Telephone Company; Glenwood Telephone Membership Corp.; Hemingford Cooperative Telephone Company; Nebraska Central Telephone Company; and Northeast Nebraska Telephone Company (the "Rural Companies"). Qwest Corporation filed a Petition for Intervention on June 12, 2009 which I granted as Hearing Officer.

At the planning conference held on June 23, 2009, the following procedural schedule was discussed and agreed to by counsel for the Formal Intervenors:

<u>Event</u>	<u>Date</u>
Technical Workshop	August 3, 2009 at 1:00 p.m. CDT in the Commission Hearing Room, Lincoln, Nebraska ¹

¹ A call-in number will be made available for representatives out-of-state.

Serve Discovery Requests	August 18, 2009 ²
Serve Objections to Discovery	August 25, 2009
Serve Discovery Responses (Those without objections)	September 18, 2009
Serve Discovery Responses (Those responses compelled notwithstanding objections)	Three (3) weeks after ruling is released on Discovery Objections ³
Serve Direct Testimony	October 13, 2009
Serve Rebuttal Testimony	November 3, 2009
Hearing	December 2-3, 2009
Initial Brief	Thirty (30) days following availability of transcript
Reply Brief	Fifteen (15) days following service of Initial Brief

Counsel for the Formal Intervenor agreed that service shall be accomplished by electronic mail. Documents and information shall be exchanged electronically between the parties and electronically filed with the Commission.

Counsel for the Formal Intervenor further agreed that no witness shall be allowed to testify at the hearing unless that witness has pre-filed testimony pursuant to the procedural schedule with the exception of witnesses offering live testimony regarding issues first raised in rebuttal testimony. Such testimony shall not be duplicative of pre-filed testimony. In the event that a party determines that it will present testimony in response to rebuttal testimony from one or more witnesses that have not pre-filed testimony, the names and personal resumes of such witnesses, and a general description of the facts and testimony to be offered by such witnesses shall be

² Limitations on the number of data requests that may be served and other details concerning discovery procedures will be addressed following completion of the Technical Workshop at which time the issues presented in this case will be clarified and identified.

³ The exact deadline will be specified in the Hearing Officer's order ruling on discovery objections.

provided to the other party and the Commission at the time of designation of all exhibits.

Exhibits offered through a Party's witness shall be attached to pre-filed testimony. Any exhibit that will be used on cross-examination shall be disclosed to the other party not less than seven (7) days prior to the hearing, with a copy provided upon request.

The Formal Intervenors are requested to confer with the Staff Attorney assigned to this matter to agree upon the terms of a Protective Order/Confidentiality Agreement to be submitted to the Hearing Officer for approval.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the procedural schedule described herein be and it is hereby adopted.

IT IS FURTHER ORDERED that a technical workshop will be held on **August 3, 2009**, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska 68508. A call-in number will be provided at a later date.

IT IS FURTHER ORDERED that the hearing in this matter will be held on **December 2, 2009** commencing at 10:00 a.m. CDT and will continue if necessary on **December 3, 2009** commencing at 10:00 a.m. CDT. The hearing will be held in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska 68508.

MADE AND ENTERED at Lincoln, Nebraska this 1st day of July, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

By: _____
Hearing Officer

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-4165/PI-150

Page 3

Exhibits offered through a Party's witness shall be attached to pre-filed testimony. Any exhibit that will be used on cross-examination shall be disclosed to the other party not less than seven (7) days prior to the hearing, with a copy provided upon request.

The Formal Intervenors are requested to confer with the Staff Attorney assigned to this matter to agree upon the terms of a Protective Order/Confidentiality Agreement to be submitted to the Hearing Officer for approval.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the procedural schedule described herein be and it is hereby adopted.

IT IS FURTHER ORDERED that a technical workshop will be held on **August 3, 2009**, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska 68508. A call-in number will be provided at a later date.

IT IS FURTHER ORDERED that the hearing in this matter will be held on **December 2, 2009**, commencing at 10:00 a.m. CDT and will continue if necessary on **December 3, 2009**, commencing at 10:00 a.m. CDT. The hearing will be held in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska, 68508.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of July, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

By:


Hearing Officer