

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-4165/PI-150
Public Service Commission, on)
its own motion, to investigate)
and determine whether it is) ORDER OPENING INVESTIGATION
appropriate for)
telecommunications companies to)
assess intrastate transit)
charges on Extended Area Service)
Traffic.) Entered: April 28, 2009

BY THE COMMISSION:

The Commission, on its own motion, opens this docket to investigate and to determine whether it is appropriate for telecommunication companies to assess intrastate transit charges on Extended Area Service (EAS) traffic.

On April 7, 2009, a group of Rural Companies¹ sought a declaratory ruling that Qwest Corporation is not authorized to assess intrastate transit charges on EAS Traffic originated by customers of the rural companies. The Rural Independent Companies further requested the Commission direct Qwest to cease and desist from (a) either blocking or threatening to block the delivery of such traffic; (b) requiring the Rural Companies to enter into a Section 259 infrastructure sharing agreement with Qwest as a condition to continued delivery of such traffic; or (c) imposing a new charge for local EAS transiting.

Pursuant to the Commission Rules of Procedure of Title 291, Neb. Admin. Code, Chapter 1 § 19.05, "[i]f a petition of declaratory ruling presents a question of statewide commercial importance or such is noted during or after hearing on the petition, the Commission shall not issue a declaratory ruling but will resolve such question in an investigative proceeding." The Commission found that the Petition presented questions of statewide commercial concern. Therefore, pursuant to Title 291, Neb. Admin. Code, Chapter 1 § 19.05, the Commission opens this docket to address the issues raised by the Rural Companies to offer guidance and to fashion any remedies which may be appropriate.

¹ The rural company petitioners included: Arapahoe Telephone Company, Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Co., and Rock County Telephone Company, all 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.

Once the period for protests and interventions has passed, the Commission will schedule a planning conference and adopt a procedural schedule.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket is hereby opened to investigate and determine whether it is appropriate for telecommunications companies to assess intrastate transit charges on Extended Service Area traffic.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of April, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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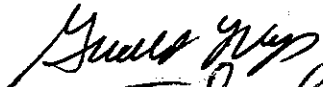

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//s// Frank E. Landis


Chairman

ATTEST:


Executive Director