

In the Matter of the) Application No. C-4302
Application of Cellco)
Partnership and its)
Subsidiaries and Affiliates to) ORDER ON MOTION TO LIMIT
Amend Eligible) INTERVENERS PARTICIPATION
Telecommunications Carrier)
Designation in the State of) Entered: May 11, 2011
Nebraska.)

O P I N I O N A N D F I N D I N G S

Oral Arguments on this Motion were heard on May 4, 2011. Steven G. Seglin and Matt Slaven represented the interests of Verizon Wireless. Paul Schudel appeared for the Rural Independent Companies, Huntel CableVision Inc. d/b/a American Broadband Nebraska Communications Inc. and Three River Communications, LLC. Mark Fahleson represented the interests of NT&T. Loel Brooks appeared for N.E. Colorado Cellular d/b/a Viaero Wireless (Viaero) and United States Cellular Corporation (US Cellular)(collectively referred to as Protestants). Shana Knutson appeared for the Commission.

1 On May 2, 2011, counsel for US Cellular and Viera also filed an opposition to Applicant's Motion to Limit Interveners' Participation. At the oral argument, the Applicant objected to the opposition to its Motion filed by US Cellular and Viera and asked that it be stricken. I find that the Applicant's verbal motion to strike should be overruled. Accordingly, the Protestants' opposition filing will not be stricken from the record. That notwithstanding, I did not rely on the arguments made in the Protestants' opposition filing in making my determination.

interest in the matter, pursuant to Neb. Admin. Code Title 291, Ch. 1, § 015.01C, would have been at the time the Petitions seeking Formal Intervention were filed. In addition, the Commission has not construed § 015.01C as narrowly as the Applicant would have us do so here.

Further, there has been no indication that these intervenors are planning a "trial by ambush." On the contrary, counsel for these parties made it clear that he wanted to preserve the ability to cross-examine the witnesses, present a witness statement where appropriate, and preserve the ability to seek judicial review of the Commission's decision. The Applicant will have the ability to object to rebuttal evidence or cross-examination by counsel at the time of the hearing.

The Applicant's motion also sought to limit the participation of NT&T. On May 3, 2011, NT&T filed a Motion to Withdraw as a Formal Intervenor and to Intervene as an Informal Intervenor. As Hearing Officer I find NT&T's motion should be granted. Accordingly, the Applicant's Motion to Limit Intervener's Participation as it relates to NT&T is moot.

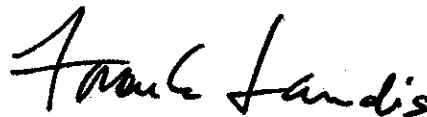
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the Motion to Limit Interveners' Participation shall be and it is hereby denied as it pertains to the Rural Independent Companies, Huntel CableVision Inc. d/b/a American Broadband Nebraska Communications Inc. and Three River Communications, LLC.

IT IS FURTHER ORDERED that the Motion to Limit Interveners' Participation as it pertains to NT&T shall be and it is hereby considered moot.

MADE AND ENTERED at Lincoln, Nebraska, this 11th day of May, 2011.

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By: _____

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Hearing Officer

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to universal service in Nebraska if the application is granted; and 8) his testimony about proposed remedies and recommendations.

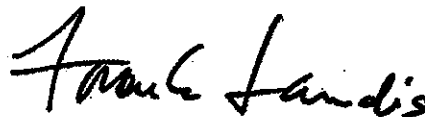
After consideration of the arguments presented, I find the Motion to Strike portions of Mr. Bluhm's pre-filed testimony should be overruled. The Applicant will have the opportunity to object to portions of Mr. Bluhm's testimony in the context of relevancy or speculation at the time Mr. Bluhm's testimony is offered in the hearing. The Applicant also has the opportunity to address the witness' statements and recommendations in rebuttal testimony.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the Motion to Strike the Testimony of Witness Peter Bluhm shall be and it is hereby overruled.

MADE AND ENTERED at Lincoln, Nebraska, this 11th day of May, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION



By: _____

Frank E. Landis
Hearing Officer