

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

BY THE HEARING OFFICER:

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

This matter comes before me on the Motion to Strike Testimony of Witness Peter Bluhm (Motion) filed by Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless or Applicant) on April 22, 2011. In its Motion, Verizon Wireless sought an order from the Hearing Officer striking portions of the testimony provided in Mr. Bluhm's pre-filed direct testimony. On May 2, 2011, N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) and United States Cellular Corporation (US Cellular)(collectively referred to as Protestants) filed an opposition to the motion to strike.

Oral Arguments on this Motion were heard on May 4, 2011. Steven G. Seglin and Matt Slaven represented the interests of Verizon Wireless. Loel Brooks appeared for N.E. Colorado Cellular d/b/a Viaero Wireless (Viaero) and United States Cellular Corporation (US Cellular). Shana Knutson appeared for the Commission.

The Applicant states that portions of Mr. Bluhm's pre-filed testimony should be stricken from the record. In particular, the Applicant states that Mr. Bluhm makes certain recommendations in his testimony which are either outside the Commission's authority or beyond the scope of this proceeding. The Applicant recommends the Commission strike passages related to the witness' recommendations that 1) the Commission direct the Applicant to revise line counts with USAC; 2) the Commission notify USAC of the requested determination about the line counts; 3) his discussion about potential universal service risks; 4) his discussion of dockets in other states; 5) his allegations that the line count filings were inappropriate; 6) his discussion about the effect of a grant of the application on the Interim Cap; 7) the discussion about potential harms to universal service in Nebraska if the application is granted; and 8) his testimony about proposed remedies and recommendations.

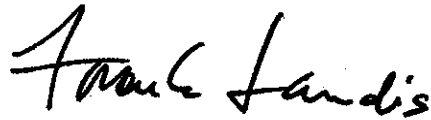
After consideration of the arguments presented, I find the Motion to Strike portions of Mr. Bluhm's pre-filed testimony should be overruled. The Applicant will have the opportunity to object to portions of Mr. Bluhm's testimony in the context of relevancy or speculation at the time Mr. Bluhm's testimony 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

A handwritten signature in black ink, appearing to read "Frank E. Landis". The signature is written in a cursive, flowing style.

By: _____

Frank E. Landis
Hearing Officer

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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

NEBRASKA PUBLIC SERVICE COMMISSION

Frank Landis

By: _____

Frank E. Landis
Hearing Officer