

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-4426
of Common Point, LLC,)
Springfield, Illinois, seeking) ORDER GRANTING MOTION TO
to establish its initial access) WITHDRAW PROTEST, PETITION
service tariff for access tandem) FOR FORMAL INTERVENTION,
switching.) AND PETITION FOR REVIEW
)
) ENTERED: December 21, 2011

BY THE HEARING OFFICER:

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

On November 8, 2011, Common Point, LLC, ("Common Point") out of Springfield, Illinois, filed an application for authority to provide telecommunications services in Nebraska with the Nebraska Public Service Commission ("Commission"). Common Point also provided an intrastate access tariff that proposed to establish its initial access rates in Nebraska. Pursuant to Commission established procedures, the proposed access tariff was published in The Daily Record, Omaha, Nebraska on November 14, 2011.¹ Any affected interexchange carrier desiring to negotiate the rates as proposed by Common Point, pursuant to *Neb. Rev. Stat.* § 86-140, had thirty (30) days to request such negotiations in writing.

On December 14, 2011, AT&T Communications of the Midwest, Inc., and TCG Omaha (collectively, "AT&T"), filed a Protest, Application for Review of Charges, and Petition for Formal Intervention in the above-captioned matter. Such petition was not timely filed pursuant to Commission procedures regarding establishment of intrastate access rates. Subsequently, AT&T, also on December 14, 2011, filed the written notice it sent to Common Point requesting negotiations with the Commission.

On December 15, 2011, AT&T filed a Motion to Withdraw its previous request for Protest, Petition for Formal Intervention, and Application for Review, as it was seeking negotiations with Common Point pursuant to Commission established procedures.

Being duly advised of the premises, I find the Motion to Withdraw should be granted without prejudice.

¹ See Application No. C-4145/NUSF-74/PI-147, *In the Matter of the Nebraska Public Service Commission, on its own motion, to conduct an investigation on intrastate switched access charge policies and regulation codified in Neb. Rev. Stat. Section 86-140. Order, (April 20, 2010).*

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Motion to withdraw its Protest, Petition for Formal Intervention, and Application for Review filed by AT&T Communications of the Midwest, Inc., and TCG Omaha, be, and is hereby granted, without prejudice.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of December, 2011.

By: _____
Frank E. Landis
Hearing Officer

Application No. C-4426

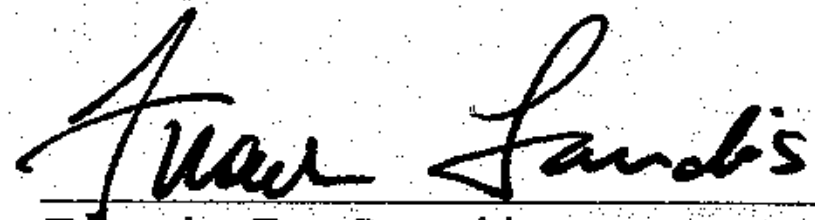
Page 2

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Motion to withdraw its Protest, Petition for Formal Intervention, and Application for Review filed by AT&T Communications of the Midwest, Inc., and TCG Omaha, be, and is hereby granted, without prejudice.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of December, 2011.

By:



Frank E. Landis
Hearing Officer