

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application        ) Application No. C-4426  
of Common Point, LLC, Springfield,     )  
Illinois, seeking to establish its       ) ORDER APPROVING STIPULATION  
initial access service tariff for       ) AND GRANTING SUSPENSION OF  
access tandem switching.                ) REVIEW TIMELINE  
  )  
  )  
  ) ENTERED: January 14, 2013

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 adopted in Docket No. C-4145/NUSF-74/PI-147 ("C-4145"), the proposed access tariff was published in The Daily Record, Omaha, Nebraska on November 14, 2011.<sup>1</sup> 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 with the Commission a copy of the written notice it sent to Common Point requesting negotiations. Pursuant to Commission procedures in the C-4145 Order, the parties had 60 days from the date of publication to negotiate and file a negotiation report with the Commission.<sup>2</sup>

On January 18, 2012, Common Point and AT&T filed a letter requesting an extension of time to negotiate. On January 23, 2012, I entered an order granting an extension of the filing deadline to allow the parties to continue negotiations.

On May 3, 2012, Common Point and AT&T filed a letter requesting further extension of time to negotiate. I granted the second extension request on May 7, 2012.

On August 15, 2012, Common Point filed a Negotiation Report with the Director of the Communications Department of the Commission stating that negotiations between Common Point and AT&T were at an impasse and Common Point desired to proceed with the

---

<sup>1</sup> 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).

<sup>2</sup> *Id* at pg. 8.

access rates as originally proposed. Pursuant to Commission procedures, the Negotiation Report was published in The Daily Record, Omaha, Nebraska on August 24, 2012. Any affected interexchange carrier desiring to apply for Commission review of the proposed access rate pursuant to Neb. Rev. Stat. § 86-140, had thirty (30) days to submit an application for review to the Commission.<sup>3</sup>

On September 24, 2012, AT&T filed an Application for Review of Access Charges pursuant to § 86-140 with the Commission. Pursuant to Commission procedures, Common Point had twenty (20) days from receiving notice of AT&T's application for review of its access charges to file a response as outlined in the Commission's C-4145 Order.<sup>4</sup>

On October 19, 2012, Common Point and AT&T filed a Joint Stipulation and Request for Suspension of Review Timeline under Neb. Rev. Stat. § 86-140, requesting additional time to negotiate until January 11, 2013, in the event a hearing becomes necessary, the Commission commence a hearing pursuant to § 86-140 no later than April 1, 2013.

On January 11, 2013, Common Point and AT&T filed a second Joint Stipulation and Request for Suspension of Review Timeline under Neb. Rev. Stat. § 86-140. In the Joint Stipulation and Request for Suspension the parties request additional time to negotiate and therefore request Common Point have until February 11, 2013, to file a response to AT&T's Petition for Review as provided in Docket No. C-4145.<sup>5</sup> Furthermore, in the event the parties do not reach settlement and a hearing is necessary, the Commission commence a hearing pursuant to § 86-140 no later than May 1, 2013.

Being duly advised of the premises, I find the Joint Stipulation and Request for a suspension of the timeline for a § 86-140 review filed by the parties should be granted.

---

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at p. 9.

<sup>5</sup> *Id.*

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Joint Stipulation and Request for Suspension of the timeline for Commission review under *Neb. Rev. Stat. § 86-140* submitted by Common Point, LLC and AT&T Communications of the Midwest, Inc., and TCG Omaha on January 11, 2013, be, and is hereby granted and Common Point shall have until February 11, 2013, to file a response to AT&T's Petition for Commission Review pursuant to § 86-140.

IT IS FURTHER ORDERED that in the event the parties do not reach agreement, a hearing pursuant to § 86-140 shall be commenced in front of the Commission no later than May 1, 2013.

MADE AND ENTERED at Lincoln, Nebraska, this 14<sup>th</sup> day of January, 2013.

By: \_\_\_\_\_  
Frank E. Landis  
Hearing Officer

Application No. C-4426

PAGE 3

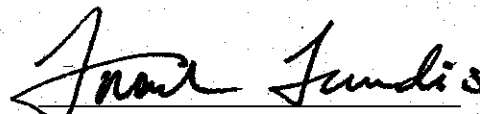
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Joint Stipulation and Request for Suspension of the timeline for Commission review under Neb. Rev. Stat. § 86-140 submitted by Common Point, LLC and AT&T Communications of the Midwest, Inc., and TCG Omaha on January 11, 2013, be, and is hereby granted and Common Point shall have until February 11, 2013, to file a response to AT&T's Petition for Commission Review pursuant to § 86-140.

IT IS FURTHER ORDERED that in the event the parties do not reach agreement, a hearing pursuant to § 86-140 shall be commenced in front of the Commission no later than May 1, 2013.

MADE AND ENTERED at Lincoln, Nebraska, this 14<sup>th</sup> day of January, 2013.

By:



Frank E. Landis  
Hearing Officer