

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 GRANTING TEN DAY
initial access service tariff for) EXTENSION OF REVIEW TIMELINE
access tandem switching.)
)
) ENTERED: February 12, 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") provided an intrastate access tariff that proposed to establish its initial access rates in Nebraska. Pursuant to Commission established procedures adopted in Docket C-4145/NUSF-74/PI-147 ("C-4145"), the proposed access tariff was published.¹ Any affected interexchange carrier desiring to negotiate the rates as proposed by Common Point 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.²

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 Commission stating that negotiations between Common Point and AT&T were at an impasse and Common Point desired to proceed with the access rates as originally proposed. Pursuant to Commission procedures, the Negotiation Report was published. Any affected interexchange carrier desiring Commission review of the proposed access rate pursuant to *Neb. Rev. Stat. § 86-140*, had

¹ See Docket 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).

² *Id* at pg. 8.

thirty (30) days to submit an application for review to the Commission.³

On September 24, 2012, AT&T filed an Application for Review of Access Charges. 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.⁴

On October 23, 2012, I granted a Joint Request by Common Point and AT&T for a Suspension of Review Timeline under *Neb. Rev. Stat.* § 86-140, and additional time to negotiate until January 11, 2013, with hearing to commence pursuant to § 86-140 by April 1, 2013, if negotiations failed.

On January 14, 2013, I granted a second Joint Request for extension by Common Point and AT&T of the review timeline until February 11, 2013, with hearing to commence pursuant to § 86-140 by May 1, 2013, if negotiations failed.

On February 11, 2013, I was contacted by the parties seeking an additional extension to finalize negotiations. After consultation, it was agreed by all parties to an extension of ten business days until February 25, 2013. The hearing commencement date shall remain May 1, 2013.

Being duly advised of the premises, I find the request for an extension of ten business days should be granted.

³ *Id.*

⁴ *Id.* at p. 9.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Request for an extension of the timeline for Commission review under *Neb. Rev. Stat. § 86-140* requested by the parties in the above-captioned docket on February 11, 2013, be, and is hereby granted and the parties shall have until February 25, 2013, to finalize negotiations with hearing to commence no later than May 1, 2013, in the event agreement is not finally reached.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of February, 2013.

By: _____
Frank E. Landis
Hearing Officer

Application No. C-4426

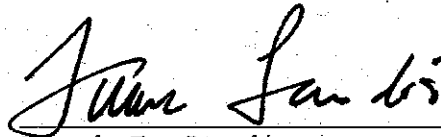
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O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Request for an extension of the timeline for Commission review under Neb. Rev. Stat. § 86-140 requested by the parties in the above-captioned docket on February 11, 2013, be, and is hereby granted and the parties shall have until February 25, 2013, to finalize negotiations with hearing to commence no later than May 1, 2013, in the event agreement is not finally reached.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of February, 2013.

By:



Frank E. Landis
Hearing Officer