

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)
initial access service tariff for) ORDER GRANTING MOTION TO
access tandem switching.) WITHDRAW
)
) ENTERED: May 21, 2013

BY THE COMMISSION:

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, the Hearing Officer 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. The Hearing Officer 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 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).

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

On February 12, 2013, the parties were granted an additional extension of 10 days to finalize negotiations by the Hearing Officer.

On February 25, 2013, the parties notified the Commission that they had reached an agreement and a negotiation report and revised tariff would be filed with the Commission.

On April 9, 2013, a Joint Negotiation Report and Access Tariff containing revised rates was filed with the Commission. The revised tariff was published pursuant to C-4145 procedures. No further requests for review were filed. The revised Access Tariff became effective May 14, 2013.

On May 14, 2013, pursuant to the agreement of AT&T and Common Point contained in the Joint Negotiation Report, upon the expiration of the 30-day notice period of the revised tariff rates, if no petitions were received by the Commission seeking review, and the Commission did not initiate review of the revised tariff on its own motion, AT&T filed a Motion to Withdraw its Application for Review it filed on September 24, 2012.

Being duly advised of the premises, the Commission finds the Motion to Withdraw filed by AT&T should be granted.

³ *Id.*

⁴ *Id.* at P. 9.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion to Withdraw its Application for Review of Access Charges filed by AT&T in the above-captioned proceeding, be, and is hereby granted.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of May, 2013.

COMMISSIONERS CONCURRING: NEBRASKA PUBLIC SERVICE COMMISSION

Chair

ATTEST:

Executive Director

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Vice Chair

Frank E. Landis

David L. Up

//s//Frank E. Landis

ATTEST:

Steve Meredith

Executive Director