

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-4427
of Liberty-Bell Telecom, LLC)
d/b/a DISH Network Phone &) ORDER GRANTING MOTION TO
Internet, Denver, Colorado,) WITHDRAW PROTEST, PETITION
seeking to establish its initial) FOR FORMAL INTERVENTION,
intrastate switched access) AND PETITION FOR REVIEW
tariff.)
) 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 9, 2011, Liberty-Bell Telecom, LLC d/b/a DISH Network Phone & Internet, ("Liberty-Bell") out of Denver, Colorado, filed an initial switched access tariff introducing rates, terms, and conditions applicable to its intrastate switched exchange access services in Nebraska with the Nebraska Public Service Commission ("Commission"). 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 Liberty-Bell, 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 Liberty-Bell 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 Liberty-Bell 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

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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