

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Nebraska Technology & Telecommunications, Inc.,
Complainant,
V.
Aliant Communications, d/b/a ALLTEL,
Respondent.

) Formal Complaint No. 1290
)
)
)
) ORDER AND SET DATE FOR HEARING
)
)
) Entered: October 4, 2001

BY THE COMMISSION:

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

On September 14, 2001, Nebraska Technology & Telecommunications, Inc. (NT&T) filed a formal complaint against Aliant Communications, d/b/a/ ALLTEL (ALLTEL), alleging that ALLTEL has violated the Telecommunications Act of 1996 (the federal Act), Neb. Rev. Stat. § 75-109 (Cum. Supp. 2000), and Chapter 86, Article 8 of Nebraska Revised Statutes.

NT&T alleges that in the course of negotiations of terms and conditions of an interconnection agreement with ALLTEL, ALLTEL has engaged in a pattern and practice of dilatory and anti-competitive conduct so as to prevent NT&T from effectively competing against ALLTEL.

In support of its complaint, NT&T alleges that it began negotiation of an interconnection agreement with representatives of ALLTEL on April 20, 2000. NT&T further alleges that unresolved issues remain, and that ALLTEL has repeatedly refused and continues to refuse to negotiate in good faith with NT&T. NT&T requests that after investigation and hearing, an order be entered finding that ALLTEL has violated the federal Act, Nebraska law and the Rules of the Commission, ordering ALLTEL to immediately cease and desist from further engaging in unlawful conduct, and assessing a civil penalty against ALLTEL pursuant to Neb. Rev. Stat. § 75-156 (Cum. Supp. 2000), and granting such other and further relief as the Commission may deem just and appropriate.

On October 1, 2001, ALLTEL filed an answer requesting the Commission to dismiss the formal complaint. In the alternative, ALLTEL requests to work with the Commission and NT&T in a mediation setting to establish a stipulated date on which NT&T requested negotiation. ALLTEL admits that negotiation of an interconnection agreement with NT&T began on April 20, 2000.

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The Commission finds that notwithstanding the prolonged negotiation period, several terms and conditions of an inter-connection agreement between NT&T and ALLTEL remain unresolved. Regardless of the circumstances, this length of time is unacceptable.

O R D E R

IT IS THEREFORE ORDERED by the Commission that ALLTEL and NT&T enter into immediate negotiations to resolve remaining disputed issues.

IT IS FURTHER ORDERED by the Commission that a hearing on this complaint is set for November 5, 2001, at 10:00 a.m. in the Commission Hearing Room.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of October, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lawrence Johnson
David L. Voss

Anne C. Boyle

Frank E. Landis

//s//Frank E. Landis

Frank Jander
Chairman

ATTEST:

A. S. Pollack
Executive Director