

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Nebraska Technology &) Formal Complaint No. 1290
Telecommunications, Inc.,)
Complainant,)
) COMPLAINT DISMISSED
v.) WITHOUT PREJUDICE
)
Aliant Communications Co.,)
d/b/a ALLTEL,)
Respondent.) Entered: October 30, 2001

BY THE COMMISSION:

On September 14, 2001, Nebraska Technology & Telecommunications, Inc. (NT&T) filed the above-captioned formal complaint against Aliant Communications Co., d/b/a ALLTEL, alleging failure to negotiate an interconnection agreement in good faith. On October 25, 2001, the Commission held a pre-hearing conference upon motion of the respondent.

On October 29, 2001, complainant and respondent filed a joint motion and stipulation. The parties move the Commission to dismiss this formal complaint without prejudice. The parties stipulate that August 1, 2001, is the date of ALLTEL's receipt of NT&T's bona fide request for negotiation with respect to providing NT&T with interconnection, service and network elements within the meaning of § 252(a) and (b) of the federal Telecommunications Act of 1996, including a request that ALLTEL negotiate with respect to providing NT&T with combined unbundled network elements. The parties agree that the Commission will monitor negotiations.

The parties also set forth a schedule for arbitration in the event that the parties do not complete negotiation of a mutually acceptable interconnection agreement prior to December 14, 2001. The proposed schedule is as follows:

1. Any time from December 15, 2001, through January 8, 2002, either NT&T or ALLTEL may petition this Commission to arbitrate any open issues relating to the interconnection negotiation.
2. In the event that either party petitions the Commission to arbitrate open issues, pursuant to 47 U.S.C. § 252(b)(1) and (2), the non-petitioning party shall have a period of 25 days, pursuant to 47 U.S.C. § 252(b)(3), following the date on which this Commission and the non-petitioning party receive the petition to arbitrate, to serve and file a response to such petition.
3. The arbitration hearing regarding any unresolved issues between the parties shall be scheduled no sooner than 45 days following the filing of the response by the non-petitioning party.

F I N D I N G S

The Commission approves the stipulated dates and proposed schedule for arbitration. Because the parties have jointly moved that this formal complaint be dismissed, the Commission is of the opinion and finds that Formal Complaint No. 1290 should be dismissed without prejudice.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Formal Complaint No. 1290, filed by Nebraska Technology & Telecommunications, Inc. against Aliant Communications Co., d/b/a ALLTEL, is hereby dismissed without prejudice.

IT IS FURTHER ORDERED that the arbitration schedule stipulated by the parties and recited above is approved.

MADE AND ENTERED in Lincoln, Nebraska on October 30th, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell Johnson
David A. Vay
Aune C. Boyle
Tod Johnson
Chairman
 ATTEST:
Ad S. Pollack
 Executive Director

//s//Frank E. Landis