

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

RVW, Inc.)	Formal Complaint No. FC-1294
4118 Howard Boulevard)	
Columbus, Nebraska 68602-0495)	
)	
)	
Complainant,)	MOTION TO STRIKE GRANTED
)	IN PART AND DENIED IN
vs.)	PART
)	
MCI WorldCom Communications, Inc.)	
707 17th Street Suite 3600)	
Denver, CO 80202)	
)	
Respondent.)	Entered: January 8, 2002

BY THE COMMISSION:

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

By Complaint filed November 28, 2001, RVW, Inc. (RVW, Inc. or Complainant) seeks an order from the Nebraska Public Service Commission (Commission) inter alia, requiring the Respondent to honor the terms of the contract, and requiring the Respondent to credit the Complainant's account for erroneous billing. On December 17, 2001, a motion to strike was filed by MCI WorldCom Communications, Inc. (MCI WorldCom or Respondent). The motion to strike states that certain allegations listed in the Complaint disclose settlement negotiations which are irrelevant, prejudicial and inadmissible under Neb. Rev. Stat. § 27-408.

Upon consideration of said motion, the Commission is of the opinion and finds that the motion should be granted as to paragraphs 7, 10 and 11 and Exhibits E and F. Only the sentences designated in the Respondent's motion to strike should be stricken in paragraphs 7 and 10. Paragraph 11 and Exhibits E and F should be stricken in their entirety. The Commission, however, denies said motion as to paragraph 14 of the Complaint. The Commission finds that the allegation in paragraph 14 of the Complaint does not fall within the ambit of Neb. Rev. Stat. § 27-408.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion to Strike of MCI WorldCom Communications, Inc., be and it is hereby granted in part and denied in part as provided herein.

MADE AND ENTERED at Lincoln, Nebraska this 8th day of January,
2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director