

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

COX NEBRASKA TELECOM, L.L.C. and)	Docket No. FC-1296
ILLUMINET,)	
)	
Complainants,)	
v.)	
)	
QWEST COMMUNICATIONS, INC.,)	
)	
Respondent.)	
)	
ALLTEL NEBRASKA, INC., and)	Docket No. FC-1297
ALLTEL COMMUNICATIONS OF)	
NEBRASKA, INC.,)	
)	
Complainants,)	PROGRESSION ORDER #1
)	
vs.)	
)	
QWEST CORPORATION,)	
)	
Respondent.)	ENTERED: July 23, 2002

BY THE COMMISSION:

On July 22, 2002, the Commission held oral arguments in the Commission Hearing Room on two issues in the above-captioned proceeding.

The first issue to be addressed by the parties involved two competing proposals for a protective order. After consideration of the oral arguments, the Commission agreed to adopt the Complainants' proposal, but modified it to accommodate one of the concerns expressed by Qwest. The resulting protective agreement was adopted by the Commission in a separate order.

The second issue addressed at the oral argument dealt with the cease and desist motion filed by the Complainants on June 14, 2002. Said motion requested the Nebraska Public Service Commission (Commission) to issue an order requiring Qwest to cease and desist its threats to suspend all service order activity and/or disconnect Complainants' access to Qwest's network and any actions that Qwest might take to actually suspend any or all service order activity and/or disconnect Complainants' access to Qwest's network.

Upon conclusion of the oral argument, the Commission ruled that the motion to cease and desist should be granted. Furthermore, as long as the Complainants continue to pay the non-disputed portion of the charges, no escrow will be

necessary. However, parties were notified that the Commission will entertain argument at the final hearing in this matter as to whether interest should be awarded on any payments withheld during the pendency of this proceeding should the Commission ultimately find in favor of Qwest.

Finally, in consideration of the rulings made at the conclusion of the oral arguments, the Commission is of the opinion and finds that the timeline adopted in this proceeding in the Prehearing Conference Order, dated May 22, 2002, should be modified. Therefore, the following modified timeline is hereby adopted:

Discovery: All discovery in the above-captioned formal complaints shall be completed not later than August 16, 2002.

Exchange of Pre-Filed Testimony and Exhibits: Cox, ALLTEL and Illuminet shall have to and including August 30, 2002, to prepare and file with the Commission and serve on the other parties: (i) the pre-filed testimony of any witness that the party intends will testify at the hearing of the above-captioned formal complaints, and (ii) the exhibits that the party intends to offer at the hearing of these complaints, except for rebuttal exhibits. Qwest shall have to and including September 20, 2002, to file with the Commission and serve on the other parties, responsive pre-filed testimony and exhibits. Cox, ALLTEL and Illuminet shall then have to and including October 2, 2002, to file with the Commission and serve on the other parties, rebuttal comments.

Hearing Date(s): The hearing on these consolidated formal complaints will be held on October 15 and 16, 2002, commencing at 9:30 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

Should any additional prehearing issues arise prior to the date of the hearing, that the parties wish for the Commission to address, such issues shall be brought before the Commission for resolution at a subsequent prehearing conference.

O R D E R

IT IS THEREFORE ORDERED that the above-captioned formal complaints shall be conducted in conformity with the revised timeline set forth in this Order.

MADE AND ENTERED at Lincoln, Nebraska this 23rd day of July, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director