

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Business Telephone, Inc.,	)	Formal Complaint No. FC-1311
	)	
Complainant,	)	
	)	
v.	)	COMPLAINT DISMISSED
	)	
Sprint Corporation,	)	
	)	
Defendant.	)	Entered: August 31, 2004

Appearances

For the Complainant:

Joseph Nichols  
310 West 27<sup>th</sup> Street  
Scottsbluff, Nebraska

For Sprint Corporation:  
Donald L. Low (Pro Hac Vice)  
6450 Sprint Parkway  
Overland Park, Kansas

Bradford Kistler  
P.O. Box 85778  
Lincoln, Nebraska

For the Commission:  
Laura Davenport  
300 The Atrium, 1200 N Street  
Lincoln, Nebraska 68508

BY THE COMMISSION:

By complaint filed February 24, 2003, Business Telephones, Inc., alleged unsatisfactory business practices against Sprint Corporation (Sprint). Sprint filed an Answer on March 13, 2003.

A hearing was held in this matter via videoconference on April 22, 2003, in the Commission Hearing Room, Lincoln, and the Panhandle Learning Center, Scottsbluff.

Mr. Joseph Nichols testified on behalf of the Complainant, Business Telephones, Inc. Mr. Nichols specifically requested at the hearing that the Commission order Sprint to (1) cease and desist contacting customers to provide CPE information passed the point of demarcation or the NID (network interface device); (2) cease and desist using Centrex costs and additives in restraint of trade; and (3) provide a refund to all businesses

for key, PBX, trunk charges that exceed the cost of Centrex charges. The central underlying issue of the complaint related to the differences in rates charged by Sprint for Centrex service versus Trunk Service, \$14.75 and \$34.50 respectively.

Mr. Charles Simino testified on behalf of Sprint. Mr. Simino is Sprint's Manager of Government Affairs for Nebraska.

Subsequent to the hearing, Sprint amended its tariff increasing its Centrex rates from \$14.75 to \$34.00 effective October 1, 2003.

Upon consideration of the testimony and evidence presented in this matter and being duly advised in the premises, the Commission finds that no evidence was presented to support a refund to any party and that Sprint's subsequent amended rates have rendered the underlying issue moot. The Commission therefore finds that the Complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned Formal Complaint No. FC-1311 shall be and it is hereby dismissed.

IT IS FURTHER ORDERED that this docket be, and it is hereby, closed.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of August, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director