

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Formal ) Application No. FC-1332  
Complaint of Orbitcom, Inc., )  
Sioux Falls, South Dakota, )  
seeking a determination that )  
AT&T Communications of the ) ORDER EXTENDING FILING  
Midwest, Inc., Denver, Colorado, ) DEADLINE FOR PROPOSED ORDERS  
failed to pay intrastate access ) AND POST-HEARING BRIEFS  
charges billed by Orbitcom in )  
accordance with Orbitcom's )  
intrastate switched access )  
tariff. )  
In the Matter of the Formal ) Application No. FC-1335  
Complaint of AT&T Communications )  
of the Midwest, Inc., Denver, )  
Colorado, seeking a )  
determination that OrbitCom, )  
Inc., Sioux Falls, South Dakota, )  
failed to negotiate Intrastate )  
Access Charges and that )  
OrbitCom's tariffed Intrastate )  
Switched Access Rates are unfair )  
and unreasonable. ) Entered: January 17, 2012

BY THE HEARING OFFICER:

On February 27, 2009, a Formal Complaint was filed with the Nebraska Public Service Commission ("Commission") by Orbitcom, Inc., ("Orbitcom") Sioux Falls, South Dakota, against AT&T Communications of the Midwest, Inc., ("AT&T") Denver, Colorado. The Formal Complaint was docketed by the Commission as Application No. FC-1332. On April 30, 2009, AT&T filed a Formal Complaint against OrbitCom, which was docketed as Application No. FC-1335. On May 1, 2009, AT&T filed a Motion to Consolidate the above-captioned proceedings pursuant to Commission Rules of Procedure, the motion was granted by the Commission in an order issued on May 12, 2009.

An initial hearing was held on September 16, 2009. The Commission issued an order with its findings and conclusions on November 10, 2009. On December 10, 2010, AT&T filed a petition for review of the Commission's decision with the District Court of Lancaster County. On February 24, 2011, the District Court issued an order on the appeal, reversing the Commission's findings in the above-captioned docket and remanding the proceeding back to the Commission to conduct a review of OrbitCom's access rates pursuant to *Neb. Rev. Stat.* § 86-140.

On March 25, 2011, OrbitCom filed an appeal of the District Court's decisions with the Nebraska Court of Appeals.

Subsequently, on May 25, 2011, OrbitCom filed a motion to withdraw its appeal with the Court of Appeals. The Court of Appeals granted OrbitCom's motion and dismissed the appeal on June 13, 2011.

Therefore, pursuant to the District Court's February 24, 2011, Order, the above-captioned matter was remanded to the Commission for further proceedings.

A second hearing was held on December 20, 2011. At the hearing I established that proposed orders and optional post-hearing briefs would be due two weeks after the release of the hearing transcript.

The transcript of the hearing was released on Monday, January 9, 2012. Therefore, the deadline to file proposed orders and post-hearing briefs was established on Monday, January 23, 2012.

On January 13, 2012, the parties filed a Joint Motion for Extension of Time to File Proposed Orders and Briefs.

I find that an extension of time for the parties to file proposed order and briefs should be granted. Therefore, I find that the parties have until the end of business on **January 27, 2012**, to file proposed orders and post-hearing briefs.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Joint Motion of Orbitcom, Inc. and AT&T Communications of the Midwest, Inc., be, and is hereby, granted and proposed orders and post-hearing briefs of the parties shall be filed with the Nebraska Public Service Commission by the end of business on **Friday, January 27, 2012**.

MADE AND ENTERED in Lincoln, Nebraska, on this 17<sup>th</sup> day of January, 2012.

BY:

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Tim Schram  
HEARING OFFICER

Subsequently, on May 25, 2011, OrbitCom filed a motion to withdraw its appeal with the Court of Appeals. The Court of Appeals granted OrbitCom's motion and dismissed the appeal on June 13, 2011.

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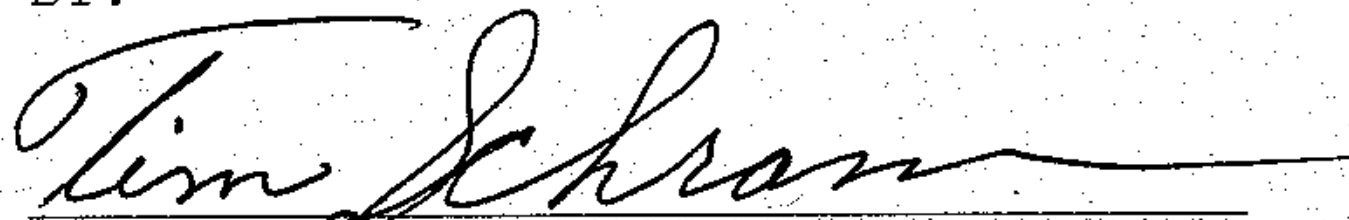
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Tim Schram  
HEARING OFFICER