

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Qwest Communications Company,) Application No. FC-1339
LLC, AT&T Communications of)
the Midwest, Inc., and TCG)
Omaha, Complainants v. Cox) ORDER DISMISSING COMPLAINT
Nebraska Telecom, LLC,)
Respondent.) Entered: May 27, 2015

BY THE COMMISSION:

On September 14, 2009, CenturyLink Communications LLC, formerly known as Qwest Communications Company, LLC ("CenturyLink"), AT&T Corp., successor by merger to AT&T Communications of the Midwest, Inc., and Teleport Communications America, LLC, successor by merger to TCG Omaha ("AT&T")(collectively the "Complainants") filed a Formal Complaint and Application for Review of Charges against Cox Nebraska Telecom, LLC ("Cox"). Notice of the docket was published in The Daily Record, Omaha, Nebraska, on September 16, 2009.

On October 5, 2009, Cox filed its Answer and Affirmative Defenses to the Formal Complaint. On October 15, 2009, the Hearing Officer entered an order granting a Petition for Formal Intervention by MCI Communications Services, Inc. d/b/a Verizon Business Services ("Verizon"). On October 26, 2009, the Hearing Officer granted the Petition for Informal Intervention filed by the Rural Independent Companies ("RIC")¹.

On November 16, 2009, a Joint Motion to Stay the proceeding was filed by AT&T, CenturyLink, and Cox, with the knowledge and consent of Verizon. The Hearing Officer granted the Motion to Stay on November 17, 2009.

On May 22, 2015, the Complainants filed a Motion to Dismiss the Complaint stating that since the initial filing of the complaint the Federal Communications Commission has significantly reformed intercarrier compensation resulting in substantially changed circumstances. The Complainants further state that in the event they decide to proceed with any action against Cox, they would file a new complaint and not try to proceed in a docket that is now six (6) years old.

¹ RIC is comprised of: Arlington Telephone Company, Blair Telephone Company, Cambridge Telephone Company, Clarks Telecommunications Co., Consolidated Telephone Company, Consolidated Telco Inc., Consolidated Telecom, Inc., Curtis Telephone Company, Eastern Nebraska Telephone Company, Great Plains Communications, Inc., Hartington Telecommunications Co., Inc, Hershey Cooperative Telephone Company, K&M Telephone Company, Inc., Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, Stanton Telecom, Inc., and Three River Telco.

Being fully informed, the Commission finds that the Motion to Dismiss should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that CenturyLink Communications LLC, AT&T Corp., and Teleport Communications America, LLC's Motion to Dismiss be granted and Formal Compliant No. FC-1339 be, and is hereby, dismissed without prejudice.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of May, 2015.

COMMISSIONERS CONCURRING:

//s//Rod Johnson
//s//Frank E. Landis
//s//Tim Schram

NEBRASKA PUBLIC SERVICE COMMISSION



Vice Chairman

ATTEST:



Executive Director