

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Formal	)	Application No. FC-1346
Complaint of Great Plains	)	
Communications, Inc. and Great	)	
Plains Broadband, Inc., Blair, v.	)	
Sprint Communications Company,	)	
L.P., Overland Park, Kansas,	)	
alleging failure to pay for	)	
intrastate switched access	)	
services.	)	
In the Matter of the Formal	)	Application No. FC-1347
Complaint of Sprint Communications	)	
Company, L.P., Overland Park,	)	
Kansas, v. Great Plains	)	
Communications, Inc. and Great	)	ORDER SCHEDULING ORAL
Plains Broadband, Inc., Blair,	)	ARGUMENTS ON LEGAL THRESHOLD
alleging unfair and unreasonable	)	ISSUE
intrastate switched access rates	)	
and inefficient network	)	
architecture.	)	
In the Matter of the Formal	)	Application No. FC-1348
Complaint of AT&T Communications of	)	
the Midwest, Inc., Denver,	)	
Colorado, v. Arapahoe Telephone	)	
Company, Blair; Benkelman Telephone	)	
Company, Inc., Benkelman; Cambridge	)	
Telephone Company, Cambridge; Cozad	)	
Telephone Company, Cozad; Diller	)	
Telephone Company, Diller; Eastern	)	
Nebraska Telephone Company, Blair;	)	
Great Plains Communications, Inc.,	)	
Blair; Hartington	)	
Telecommunications Company, Inc.,	)	
Hartington; Hartman Telephone	)	
Exchanges, Inc., Benkelman;	)	
Henderson Cooperative Telephone	)	
Company, Henderson; Hershey	)	
Cooperative Telephone Company,	)	
Hershey; Hooper Telephone Company,	)	
Hooper; Northeast Nebraska	)	
Telephone Company, Jackson; Rock	)	
County Telephone Company, Blair;	)	
Southeast Nebraska Communications,	)	
Inc., Falls City; Three River	)	
Telco, Lynch; and Wauneta Telephone	)	
Company, Benkelman; alleging unfair	)	
and unreasonable intrastate	)	
switched access rates and	)	
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In the Matter of the Formal	)	Application No. FC-1349

Complaint of Sprint Communications )  
Company LP, Overland Park, Kansas, )  
v. Arapahoe Telephone Company, )  
Blair; Benkelman Telephone Company, )  
Inc., Benkelman; Cambridge )  
Telephone Company, Cambridge; Cozad )  
Telephone Company, Cozad; Diller )  
Telephone Company, Diller; Hartman )  
Telephone Exchanges, Inc., )  
Benkelman; Henderson Cooperative )  
Telephone Company, Henderson; )  
Hershey Cooperative Telephone )  
Company, Hershey; Southeast )  
Nebraska Communications, Inc., )  
Falls City and Wauneta Telephone )  
Company, Benkelman; alleging unfair )  
and unreasonable intrastate )  
switched access rates and )  
inefficient network architecture. ) Entered: January 18, 2011

BY THE HEARING OFFICER:

On September 17, 2010, a Formal Complaint was filed with the Nebraska Public Service Commission ("Commission") by Great Plains Communications, Inc. and Great Plains Broadband, Inc., (collectively "Great Plains") against Sprint Communications Company, L.P., ("Sprint"). An Answer was timely filed by Sprint. That Formal Complaint was docketed by the Commission as Application No. FC-1346.

On November 8, 2010, Sprint filed a Formal Complaint against Great Plains with the Commission. The Commission docketed the Sprint Formal Complaint as Application No. FC-1347. An Answer was timely filed by Great Plains.

On November 8, 2010, Sprint filed a Motion to Consolidate Application Nos. FC-1346 and FC-1347 pursuant to Commission Rules of Procedure. The motion was granted by the Hearing Officer in an order issued on November 10, 2010.

On November 17, 2010, a Formal Complaint was filed with the Commission by AT&T Communications of the Midwest, Inc. ("AT&T"), against Arapahoe Telephone Company; Benkelman Telephone Company, Inc.; Cambridge Telephone Company; Cozad Telephone Company; Diller Telephone Company; Eastern Nebraska Telephone Company; Great Plains Communications, Inc.; Hartington Telecommunications Company, Inc.; Hartman Telephone Exchanges, Inc.; Henderson Cooperative Telephone Company; Hershey Cooperative Telephone Company; Hooper Telephone Company; Northeast Nebraska Telephone

Company; Rock County Telephone Company; Southeast Nebraska Communications, Inc.; Three River Telco; and Wauneta Telephone Company. The Commission docketed the AT&T Formal Complaint as Application No. FC-1348. Hearing Officer orders entered in the docket have extended the response deadlines for the Respondents.

On December 14, 2010, Sprint filed a Formal Complaint against Arapahoe Telephone Company; Benkelman Telephone Company, Inc.; Cambridge Telephone Company; Cozad Telephone Company; Diller Telephone Company; Hartman Telephone Exchanges, Inc.; Henderson Cooperative Telephone Company; Hershey Cooperative Telephone Company; Southeast Nebraska Communications, Inc.; and Wauneta Telephone Company. The Commission docketed the December 14, 2010, Sprint Formal Complaint as Application No. FC-1349. A Hearing Officer order entered in the docket extended the response deadlines for the Respondents.

The Complaints all make allegations surrounding network restructuring done by certain Local Exchange Carriers in Nebraska. During the oral arguments held on various pending motions on January 6, 2011, comments of the parties raised certain legal issues that present certain threshold issues regarding these complaints. For purposes of expediency, the Commission will hear oral arguments from the parties and informal intervenors in each of the four proceedings captioned above.

The legal threshold issue upon which we are seeking argument from the parties is as follows:

1) Solely for the sake of argument, in the event the Commission was to find that the increased charges for access services billed to Interexchange Carriers as a direct result of the network restructuring of the Local Exchange Carriers were unreasonable:

- a) Does the Commission have the authority to order any of the relief sought by any Complainant; and
- b) What other relief and/or redress could the Commission order?

The Hearing Officer finds that oral arguments on the above legal questions pertaining to Application Nos. FC-1346, FC-1347, FC-1348, and/or FC-1349 shall be scheduled for **Thursday, February 17, 2011, at 10:00 a.m.** in the Commission Hearing Room at 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that oral arguments on the legal question outlined above regarding Application Nos. FC-1346, FC-1347, FC-1348, and/or FC-134, shall be scheduled for **Thursday, February 17, 2011, at 10:00 a.m.** in the Commission Hearing Room at 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 18<sup>th</sup> day of January, 2011.

BY:

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Frank E. Landis  
HEARING OFFICER

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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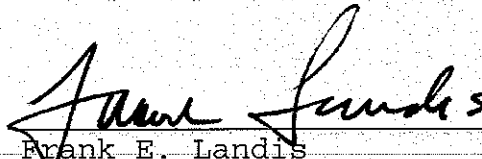
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