

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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;)	ORDER SCHEDULING ORAL
Hartington Telecommunications)	ARGUMENTS ON MOTION TO DISMISS
Company, Inc., Hartington;)	AND STRIKE REQUEST FOR REFUND
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 inefficient network)	
architecture.)	Entered: March 2, 2011

BY THE HEARING OFFICER:

On November 17, 2010, a Formal Complaint was filed with the Nebraska Public Service Commission ("Commission") by AT&T Communications of the Midwest, Inc. ("AT&T"), Denver, Colorado, 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;(collectively "Respondents"), alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture.

Commission Rules of Procedure set a deadline for the Respondents to file a Statement of Satisfaction or an Answer to a Formal Complaint.¹ On December 1, December 13 and December 20, 2010, the Hearing Officer entered orders extending the dates to respond to the Formal Complaint.

On December 21, 2010, the Respondents represented by Mr. Troy Kirk,² ("Kirk Respondents") filed a Statement of Satisfaction with the Commission. On December 22, 2010, AT&T filed a Statement of Acceptance and a Motion to Dismiss the Kirk Respondents with the Commission.

The Commission entered an order on January 4, 2011, dismissing the Kirk Respondents from the above-captioned complaint.

On February 14, 2011, Cambridge Telephone Co., Eastern Nebraska Telephone Company, Great Plains Communications, Inc., Hartington Telecommunications Company, Rock County Telephone Company, Northeast Nebraska Telephone Company, Southeast Nebraska Communications, Inc. and Three River Telco (collectively the "Rural Companies") filed a Motion to Dismiss and Strike Request for Refund and requested oral arguments on the motion.

Subsequent to the filing of the February 14, 2011 motion, on February 24, 2011, Southeast Nebraska Communications, Inc. and Three Rivers Telco filed a Statement of Satisfaction with the Commission. On the same date AT&T filed a Statement of Acceptance and a Motion to Dismiss Southeast Nebraska Communications, Inc. and Three Rivers Telco from the above-captioned complaint.

The Commission entered an order on March 1, 2011, dismissing Southeast Nebraska Communications, Inc. and Three Rivers Telco from the above-captioned complaint.

AT&T and the remaining Rural Companies have requested an opportunity to brief the issues pertaining to the outstanding

¹ See Neb. Admin. Code, Title 291, Ch. 1 § 05.08(A), (B), and (C).

² Respondents represented by Mr. Kirk include: Arapahoe Telephone Company, Benkelman Telephone Company, Inc., Cozad Telephone Company, Diller Telephone Company, Hartman Telephone Exchanges, Inc., Henderson Cooperative Telephone Company, Hershey Cooperative Telephone Company, and Wauneta Telephone Company.

Motion to Dismiss and Strike prior to oral arguments. Therefore, being fully informed, I find that initial briefs from the parties regarding the motion shall be submitted by the close of business on **Monday, March 14, 2011**. Reply briefs shall be due by the close of business on **Monday, March 28, 2011**. Finally, I find that oral arguments in front of the Commission shall be scheduled for **Tuesday, April 5, 2011**, immediately following the Commission's regularly scheduled weekly meeting at 10:00 a.m. in the Commission Hearing Room at 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

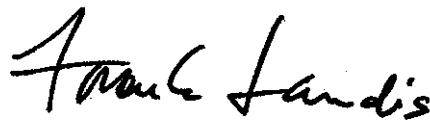
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that initial briefs regarding the pending motion in the above-captioned docket shall be submitted by the close of business on **Monday, March 14, 2011**. Reply briefs shall be due to the Commission by the close of business on **Monday, March 28, 2011**.

IT IS FURTHER ORDERED that oral arguments in the above-captioned matter be, and are hereby, scheduled for **Tuesday, April 5, 2011**, immediately following the Commission's regularly scheduled weekly meeting 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 2nd day of March, 2011.

BY:



Frank E. Landis
HEARING OFFICER

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

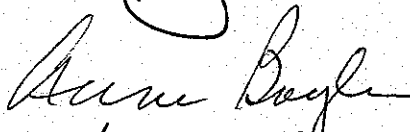
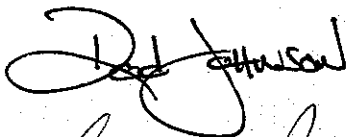

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MADE AND ENTERED at Lincoln, Nebraska, this 1st day of March, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

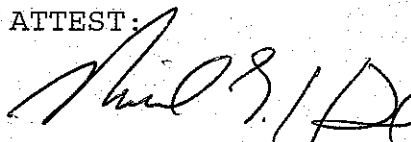



//s// Frank E. Landis
//s// Tim Schram



Chairman

ATTEST:



Executive Director