

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;)	COMPLAINT DISMISSED IN PART
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 inefficient network)	
architecture.)	Entered: January 4, 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 November 30, 2010, AT&T filed a motion to expand the time for response to the Formal Complaint due to ongoing negotiations with the Respondents. On December 1, 2010, the Hearing Officer entered an order extending the dates to respond to the Formal Complaint.

On December 13, 2010, the Hearing Officer entered an order granting a second extension request for all Respondents in the above-captioned docket.

On December 17, 2010, AT&T and the Respondents represented by Mr. Troy Kirk,² ("Kirk Respondents") filed a third request for an extension for the Kirk Respondents to file a Statement of Satisfaction.

Also on December 17, 2010, the Respondents represented by Mr. Paul Schudel³ ("Schudel Respondents") filed a Motion to Sever and Request for Enlargement of Time to Answer with the Commission. In their Motion, the Schudel Respondents requested an extension of time to file a Statement of Satisfaction and/or Answer.

On December 1, 2010, the Hearing Officer entered an order extending the dates to respond to the Formal Complaint to January 12, 2011, to file a Statement of Satisfaction, and January 14, 2011, for AT&T to file a Notice of Acceptance to any Statements of Satisfaction filed by a Respondent. If a Respondent does not file a Statement of Satisfaction, the deadline for the Respondents to file an Answer shall be January 21, 2011. In the event AT&T Communications of the Midwest, Inc. does not file a Notice of Acceptance to any Statement of Satisfaction filed by a Respondent, the Respondent shall have until January 31, 2011, to file an Answer.

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.

³ Respondents represented by Mr. Schudel include: Cambridge Telephone Company, Eastern Nebraska Telephone Company, Great Plains Communications, Inc., Hartington Telecommunications Company, Inc., Hooper Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, Southeast Nebraska Communications, Inc., and Three River Telco.

On December 21, 2010, the Kirk Respondents filed a Statement of Satisfaction with the Commission notifying the Commission that the Kirk Respondents and AT&T had reached a compromise and entered into a settlement agreement to satisfy or otherwise resolve the disputes raised by AT&T in the above-captioned Formal Complaint.

On December 22, 2010, AT&T filed a Statement of Acceptance of the Statement of Satisfaction filed by the Kirk Respondents and a motion to Dismiss the Kirk Respondents with the Commission.

Being fully informed, the Commission is of the opinion and finds the Kirk Respondents should be dismissed from the above-captioned Formal Complaint.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that 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., be, and are hereby, dismissed from the formal complaint.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of January, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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MADE AND ENTERED at Lincoln, Nebraska, this 4th day of January, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Reg Johnson

Anne Boye

Kim Schram

Chairman

Gerald L. Vap

ATTEST:

Shirley J. [Signature]

Executive Director

//s// Frank E. Landis

//s// Gerald L. Vap

