

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Formal	)	Application Nos. 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 GRANTING REQUEST FOR
Hartington Telecommunications	)	EXTENSION
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	)	Entered: December 13, 2010
rates and inefficient network		
architecture.		

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, seeking a determination that 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.<sup>1</sup> 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. The deadline to file a Statement of Satisfaction was extended to December 13, 2010, AT&T's Notice of Acceptance due by December 16, 2010, with Respondents Answers due December 20, 2010, if no Statement of Satisfaction was filed. If AT&T did not file a Notice of Acceptance of any Statement of Satisfaction filed by a Respondent, the Respondent had until January 3, 2011, to file an Answer.

On December 10, 2010, AT&T filed a second Motion to Expand Time to Respond to Formal Complaint. AT&T stated in its motion that negotiations had progressed, but more time was required to continue the negotiations. Specifically, AT&T and the Respondents represented by Mr. Troy Kirk,<sup>2</sup> ("Kirk Respondents") have agreed to request the following extensions just in regard to the Kirk Respondents, the deadline to file a Statement of Satisfaction be extended to December 17, 2010 with a Complainant AT&T's Notice of Acceptance due by December 22, 2010. In the event no Statement of Satisfaction is filed, Respondents would have until December 20, 2010, to file an Answer. If AT&T does not file a Notice of Acceptance of any Statement of Satisfaction filed by a Respondent, the Respondent would have until January 6, 2011, to file an Answer.

AT&T further states that it is its belief that the remaining Respondents represented by Mr. Paul Schudel<sup>3</sup> ("Schudel Respondents") will not be prejudiced by the granting of its Motion.

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

<sup>2</sup> 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.

<sup>3</sup> 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.

I find in the interest of procedural efficiency that the extension of time to respond in the above-captioned Formal Complaint as requested by AT&T in its Motion and outlined above, be granted for all Respondents in the above-captioned Formal Complaint.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Motion by AT&T Communications of the Midwest, Inc. to expand the time to respond in the above-captioned Formal Complaint be, and is hereby, granted.

IT IS FURTHER ORDERED that the Respondents shall have until **Friday, December 17, 2010**, to file a Statement of Satisfaction. AT&T shall have until **Wednesday, December 22, 2010**, 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 **Monday, December 20, 2010**. 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 **Thursday, January 6, 2011**, to file an Answer.

MADE AND ENTERED at Lincoln, Nebraska this 13<sup>th</sup> day of December, 2010.

BY:

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Frank E. Landis  
HEARING OFFICER