

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Formal) Application No. FC-1349
Complaint of Sprint)
Communications Company LP,)
Overland Park, Kansas, v.)
Arapahoe Telephone Company,)
Arapahoe; Benkelman Telephone)
Company, Inc., Benkelman;)
Cambridge Telephone Company,)
Cambridge; Cozad Telephone)
Company, Cozad; Diller)
Telephone Company, Diller;) COMPLAINT DISMISSED IN PART
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: February 23, 2011

BY THE COMMISSION:

On December 14, 2010, Sprint Communications Company, L.P., ("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, (collectively "Respondents"), alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture. The Commission docketed the Formal Complaint as Application No. FC-1349.

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 28, 2010, Sprint filed a motion

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

² The companies represented by Mr. Kirk include Arapahoe Telephone Company, Benkelman Telephone Company, Inc., Cozad Telephone Company, Diller Telephone

to expand the time for response to the Formal Complaint. On December 29, 2010, the Hearing Officer entered an order granting the motion as Sprint requested.

On January 18 and January 26, 2011, the Hearing Officer entered orders granting second and third motions filed by Sprint to expand the time for response to the Formal Complaint.

On February 7, 2011, Respondents in the above-captioned Complaint represented by Mr. Troy Kirk ("Kirk Respondents")² filed a Statement of Satisfaction with the Commission notifying the Commission that the Kirk Respondents and Sprint had reached a compromise and entered into a settlement agreement to satisfy or otherwise resolve the disputes raised by Sprint in the above-captioned Formal Complaint.

On February 11, 2011, Sprint filed a Statement of Acceptance and Motion to Dismiss the Kirk Respondents from the Formal Complaint 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 23rd day of February, 2011.

Company, Hartman Telephone Exchanges, Inc., Henderson Cooperative Telephone Company, Hershey Cooperative Telephone Company and Wauneta Telephone Company.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Anne Burfe
Gerald J. Wyp

//s// Tim Schram

Tim Schram

Chairman

ATTEST:

Michael J. De

Executive Director

