

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Howard ) Application No. FC-1365  
County Medical Center, St. Paul, )  
Nebraska, v. BCN Telecom, Inc., ) PLANNING CONFERENCE ORDER AND  
Morristown, New Jersey, alleging ) NOTICE OF HEARING  
erroneous charges. )  
 ) Entered: October 26, 2015

BY THE HEARING OFFICER:

On August 3, 2015, the Nebraska Public Service Commission ("Commission") received a Formal Complaint from Howard County Medical Center ("Med Center" or "Complainant") of St. Paul, Nebraska, against BCN Telecom, ("BCN" or "Respondent") of Morristown, New Jersey, alleging erroneous charges. Respondent timely filed an Answer to the Formal Complaint.

A planning conference was held in the above-captioned docket on September 28, 2015, at 11:00 a.m. CDT in the Commission Conference Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, and via telephone conference. The following persons were present at the conference: for the Commission, Gene Hand, Director of the Communications Department and Nichole Mulcahy, Legal Counsel. Participating via telephone: for the Med Center, Krista Eckhoff and James E. O'Connor of Baird Holm LLP; for BCN, Russell A. Westerhold of Fraser Stryker PC LLO; and for the Commission, Commissioner Rod Johnson.

As a result of the planning conference, several issues were decided. Therefore, this order serves to memorialize those decisions and to provide a timeline for proceeding in this docket.

### Service

Service may be accomplished through electronic mail and the parties are responsible for maintaining an accurate service list. All parties should provide a courtesy copy of any discovery requests and responses to the Department. Such discovery requests and responses shall not be part of the official record unless offered and accepted as exhibits during the hearing on the application. If using electronic mail, parties should send to [deena.ackerman@nebraska.gov](mailto:deena.ackerman@nebraska.gov).

Parties may meet filing deadlines outlined herein by sending an electronic copy of the filing via electronic mail to [deena.ackerman@nebraska.gov](mailto:deena.ackerman@nebraska.gov) so long as all parties are served via electronic mail contemporaneously with the email filing and a hard copy is received by the Commission within three (3) days of the email filing.

### Discovery

Parties should reference Nebraska Discovery Rules for general guidance as to the conduct of discovery. Should this order conflict with any provision of the Nebraska Discovery Rules, this order controls. Parties should make efforts to resolve any discovery disputes. Parties are

expected to be reasonable in their interpretation of what may constitute a subpart for purposes of discovery limits.

### **Exhibits and Witnesses**

Parties shall file an exhibit list with all exhibits appropriately marked and numbered prior to the hearing. Any party wishing to use a demonstrative exhibit or other demonstrative tools at the hearing must identify such materials with the exhibit list and make them available for review by the other party prior to the hearing. Any party seeking to request administrative notice of any document shall provide copies of said materials prior to the hearing.

### **Deadlines**

Deadlines for various events were established and are set forth in Appendix A.

### **Settlement**

All parties are encouraged to cooperate and engage in negotiations; however, the conduct of negotiations does not relieve the parties of their obligation to meet filing deadlines. Parties need not identify in settlement agreements specific dollar values attached to specific issues.

### **Hearing**

A Hearing in Docket FC-1364 will be held at the Howard County Medical Center Foundation Building, 1222 Sherman St., St. Paul, Nebraska 68873 on **February 24, 2016, at 10:00 a.m. CST.**

### **Hearing Fee/Accommodations**

The parties have agreed to arrange for a court reporter for the hearing on this matter. Therefore, the hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day shall be waived consistent with Commission policy.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

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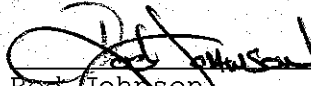
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the deadlines and requirements established in this order and attached hereto are hereby adopted.

IT IS FURTHER ORDERED that hearing on this matter will commence at the Howard County Medical Center Foundation Building, 1222 Sherman St., St. Paul, Nebraska 68873 on Wednesday, **February 24, 2016, at 10:00 a.m. CST.**

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 26<sup>th</sup> day of October, 2015.

BY:

  
Rod Johnson  
HEARING OFFICER

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APPENDIX A

PROCEDURAL SCHEDULE

Oct. 16, 2015	Discovery Requests by both parties filed
Nov. 16	Responses and/or Objections to Discovery Requests filed
Dec. 16	Deadline to complete Depositions (if any)
Jan. 15, 2016	Pre-filed Direct Testimony by both parties due
Jan. 27	Reply Testimony by both parties due
Feb. 22	Filing of Hearing Exhibits/Witness Lists
Feb. 24	Hearing beginning at 10:00 a.m. at Howard County Medical Center Foundation Building, 1222 Sherman St., St. Paul, Nebraska 68873
10 days after transcript available	Post-Hearing Briefs (If Necessary)