

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. NUSF-9
of K & M Telephone Company for)
Issuance by the Commission of an)
Order Waiving the Requirement in) MOTION TO WITHDRAW
the Opinion and Findings in C-) APPLICATION GRANTED
1628 for the Rural Companies to)
Transition Local Rates to the)
Targets in Four Years.) Entered: November 3, 2004

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By Motion filed October 18, 2004, and pursuant to the Rules of Commission Procedure, Neb. Admin. Code Title 291, Chapter 1, Rules 017.01 and 008, K & M Telephone Company (Applicant) seeks to withdraw its application for an order waiving the requirement of the Opinion and Findings in Docket No. C-1628, that it transition within four years, its local rates to the benchmark.

Upon consideration of this matter, the Commission finds the Motion is consistent with the Applicant's commitment made in the Recommendation and Agreement by and between the Commission staff and Applicant to resolve the investigation opened in Application No. NUSF-5/C-2045 and approved by the Commission by Order dated October 13, 2004. Accordingly, the Commission is of the opinion and finds that the Motion should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion to Withdraw the Application filed by K & M Telephone Company on October 18, 2004, be and it is hereby granted.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of November, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director