

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Cox Nebraska Telcom, LLC)
and Illuminet) Formal Complaint
Complainants,) No. FC-1296
)
)
v.)
)
Qwest Communications, Inc.)
Respondent.)
)
ALLTEL Nebraska, Inc., ALLTEL) Formal Complaint
Communications of Nebraska,) No. FC-1297
Inc. and Illuminet, Inc.,)
)
Complainants,) Motions Denied
v.)
)
Qwest Corporation,)
Respondent.) Entered: January 28, 2003

APPEARANCES:

For the Complainants:

Illuminet, Inc. Inc.
Thomas J. Moorman
Kraskin, Lesse & Cosson, LLP
2120 L Street, N.W., Suite 520
Washington D.C. 20037

Cox Nebraska Telcom, LLC
Deonne L. Bruning, PC, LLO
17501 Riviera Drive
Omaha, NE 68136

ALLTEL Nebraska, Inc. and
ALLTEL Communications of Nebraska, Inc.
Paul M. Schudel
Woods & Aitken LLC
301 South 13th Street, Suite 500
Lincoln, NE 68508

For the Respondent Qwest Corporation:

Jill A. Vinjamuri
Kutak Rock LLP
1650 Farnam Street
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Thomas Snyder
Qwest Corporation
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For The Nebraska Public Service Commission:

Chris A. Post
300 The Atrium
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Lincoln, NE 68508

BY THE COMMISSION:

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

On December 17, 2002, this Commission entered its Order Granting Relief in the above-captioned matters. Said order was the result of a joint hearing held before this Commission on October 22 and 23, 2002.

On December 27, 2002, Qwest Corporation filed a Motion To Reconsider, Request for Oral Argument and Motion To Stay Order Pending Consideration of Order. The Reply of Complainants to Qwest Corporation's Motion To Reconsider, Request for Oral Argument and Motion To Stay Order Pending Consideration of Order was filed by Complainants Cox Nebraska Telecom, LLC; ALLTEL Nebraska, Inc.; Alltel Communications of Nebraska, Inc.; and Illuminet on January 13, 2003. Also, on January 13, 2003, Qwest Corporation filed its Supplement to Motion to Reconsider, Request for Oral Argument and Motion to Stay Order Pending Consideration of Order.

As part of its Motion filed December 27, 2002, Qwest requested an additional 20 days to withdraw its Catalog filing as so ordered by the Commission. As the Complainants indicated by letter dated January 2, 2003, that they did not oppose Qwest's request, the Commission granted the 20-day extension.

The Commission scheduled oral arguments to address the remaining issues set forth in Qwest's Motions on January 15, 2003. Oral arguments were presented by Thomas Snyder for Qwest and by Paul Schudel for the Complainants.

In consideration of Qwest's Motions, the Complainants Reply and the January 14, 2003, oral arguments, the Commission is of the opinion and finds that Qwest's Motions should be denied.

The Commission is not persuaded by Qwest's Motion to Reconsider in light of the fact that nothing has changed since this matter was originally before the Commission for determination. Furthermore, the Commission believes that its original findings in this matter are appropriate and, therefore, the Motion to Reconsider should be, and is hereby, denied.

In regards to the Motion for Stay, such Motion is now moot in light of the fact that the Commission is denying Qwest's Motion for Reconsideration. However, the Commission notes that it will consider its orders effective until such time that the Commission or a court of competent jurisdiction specifically stays them. As such, the Commission directs Qwest to immediately comply with the terms of the Commission's original order in this matter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Qwest's Motion to Reconsider is hereby, denied.

IT IS FURTHER ORDERED that the Commission's original order in this matter is not stayed and that Qwest shall immediately comply with the directives of the Commission as contained therein.

MADE AND ENTERED in Lincoln, Nebraska on this 28th day of January, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director