

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Tracy Corporation II, d/b/a)	Application No. FC-1308
Telemetrix Technologies,)	
)	
Complainant,)	
v.)	
)	MOTION FOR EXTENSION DENIED
United Telephone of the West,)	
d/b/a Sprint,)	
)	
Defendant.)	Entered: December 17, 2002

BY THE COMMISSION:

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

By Motion filed December 10, 2002, United Telephone of the West, d/b/a Sprint (Sprint), requested a second extension of time in which to file its Answer to the Complaint in this matter. In support of its motion, Sprint states that it overlooked the holiday week and travel by the undersigned counsel in requesting its first extension of time. Sprint's counsel was traveling the entire week of December 2nd and was unable to prepare the second Motion for Extension until December 9, 2002. Sprint further stated that it needs further information from Complainant before answering the Complaint. Assuming Sprint receives a prompt response from Complainant, Sprint requests a second extension until December 23, 2002, in which to file its Answer.

Upon consideration of said Motion, the Commission is of the opinion and finds that Sprint's Motion for a second extension of time should be denied. Sprint requested and received an initial extension of time to answer the Complaint until December 2, 2002. Yet, Sprint failed to file any Answer or further motion for extension until an entire week after the time for its Answer was due. The Commission finds it must abide by its Rules of Procedure, which are set out in Title 291, NAC Ch. 1. Pursuant to Section 005.08B, an answer to a formal complaint must be filed 15 days from the service of the complaint if a Statement of Satisfaction is not offered. Section 005.08D further provides that "[e]xcept for good cause shown, and except where a Statement of Satisfaction has been filed and accepted, failure to answer will be construed as an admission of the allegations in the complaint." We do not find that good cause has been demonstrated by Sprint to warrant any further extension of time. Moreover, we find that Sprint's Motion seeking a further

extension should have been filed on or before the date in which the Answer was due.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Extension filed by United Telephone of the West, d/b/a Sprint, be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of December, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director