

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Tracy Corporation II, d/b/a) Application No. FC-1308
Telemetrix Technologies, Gering,)
Nebraska,)
)
Complainant,)
v.) DISMISSED FOR FAILURE TO
) PROSECUTE
United Telephone Company of the)
West, d/b/a Sprint, Overland)
Park, Kansas,)
)
Respondent.) Entered: July 27, 2004

BY THE COMMISSION:

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

On October 30, 2002, Tracy Corporation II, d/b/a Telemetrix Technologies, Gering, Nebraska, (Complainant) filed a complaint against United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, (Respondent) regarding a dispute of services offered under the interconnection agreement between the parties.

On November 19, 2002, the Commission granted Respondent's request for an extension, setting December 2, 2002, as a deadline for filing an answer. On December 12, 2002, Respondent filed information requests from Complainant regarding ISDN services, but, already past the deadline, Respondent did not file an answer. On December 17, 2002, the Commission denied Respondent's second request for an extension on the reply. On December 23, 2002, Respondent filed its answer to the original complaint with a counterclaim alleging that Complainant had failed to comply with the terms of the interconnection agreement between the parties.

On December 23, 2002, Complainant filed its written responses to the request for information concerning ISDN services. The Hearing Officer approved Complainant's January 7, 2003, request for an extension to reply to the counterclaim filed within the defendant's answer. On February 3, 2002, Complainant filed an answer to the counterclaim.

On April 1, 2004, Commission staff sent a letter reminding Complainant that the docket remained open. In July 2004, Complainant informed Commission staff that Complainant did not plan to pursue the case further.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaint filed by Tracy Corporation II, d/b/a Telemetrix Technologies, against United Telephone Company of the West, d/b/a Sprint, be, and is hereby, dismissed for failure to prosecute.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of July, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice Chairman

ATTEST:

Executive Director