

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-3201  
of Qwest Communications )  
Corporation for authority to )  
operate as a competitive local ) MOTIONS TO DISMISS OVERRULED  
exchange carrier of )  
telecommunications services )  
within the state of Nebraska. ) Entered: August 31, 2004

BY THE COMMISSION:

This matter comes before the Nebraska Public Service Commission (Commission) on three separate but identical Motions to Dismiss filed by Hemingford Cooperative Telephone Company, Dalton and Elsie Communications, Inc., and the Rural Independent Companies (collectively referred to in this Order as Intervenors). In support of the Motion, the Intervenors state that Application filed by Qwest Communications Corporation (QCC) did not contain:

1. The names, telephone numbers and business addresses of QCC's officers, directors, general and limited partners, joint venture members or managers pursuant to 291 Neb. Admin. Code, chapter 5, section 002.49C2;
2. A listing of each state in which the applicant has applied for certification or a permit to provide telecommunications services; the date each pending application was filed; and the disposition of all applications pursuant to 291 Neb. Admin. Code Chapter 002.49C5; and
3. A copy of applicant's financial statements pursuant to Rule 002.49C10.
4. A statement that QCC would comply with the requirements of the Commission's Order entered in Application No. C-1839/PI-22 which established the conditions under which an affiliate of a Nebraska incumbent local exchange carrier (ILEC) may provide competitive local exchange carrier service in-region.

On August 9, 2004, QCC filed its Response to the Motions to Dismiss. Qwest provided the information required in accordance with Rule 002.49C2, an explanation of why it did not list the application that was later withdrawn, and provided further, an explanation of why it believed the financial information provided under Rule 002.49C10 was

sufficient. QCC's response did not address the final allegation dealing with in-region affiliate companies.

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

Upon consideration of the Motions to Dismiss and the Response thereto, the Commission is of the opinion and finds that the Motions to Dismiss should be overruled. QCC has sufficiently responded to the alleged deficiencies with respect to those numbered one through three above. With respect to the Intervenor's fourth and final allegation, the Commission finds that QCC was not obligated to raise the issue in its application and any concerns regarding QCC's ability or willingness to comply with the Commission's order establishing in-region affiliate rules can be addressed at the hearing.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motions to Dismiss filed in the above-captioned matter be and they are hereby overruled.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of August 2004

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director