

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

The Commission, on its own motion,) Application No. C-2172/
to seek comment on the establishment) PI-34
and implementation of de-averaged)
rates for unbundled network elements) ORDER CLOSING DOCKET
pursuant to the Rules of the Federal)
Communications Commission Section)
51.507(f).) Entered: June 5, 2002

BY THE COMMISSION:

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

By its own motion on December 7, 1999, the Nebraska Public Service Commission, opened the above-captioned docket seeking comment on the establishment and implementation of de-averaged rates for unbundled network elements pursuant to the Rules of the Federal Communications Commission (FCC) section 51.507(f). Notice of this application appeared in The Daily Record, Omaha, Nebraska on December 10, 1999. Commenters in this docket included United Telephone Company of the West, d/b/a Sprint and Sprint Communications Company L.P.; Aliant Communications Co. and Aliant Midwest Inc., d/b/a ALLTEL; US West Communications, Inc.; AT&T Communications of the Midwest, Inc.; and the Nebraska Independent Telephone Association. A petition of formal intervention was filed by Rhythms Links, Inc.

On May 10, 2000, the Commission granted a motion filed by a number of rural carriers to bifurcate the docket and create a separate docket and time line for the rural carriers. That proceeding is docketed as Application No. C-2290/NUSF-22.

On January 23, 2001, the Commission ordered the remaining portions of the above-captioned docket to be merged with a similar investigation in Application No. C-2256/PI-38, specifically the issues on de-averaging. After several rounds of comments and hearings on this matter, the Commission entered its findings and conclusions on March 20, 2001. Upon a motion for clarification, the Commission clarified in its April 17, 2001, order that the de-averaged prices established in Application Nos. C-2172 and C-2256 were interim until permanent prices were in place.

The Commission opened a docket subsequent to closing Application No. C-1415 to establish prices for unbundled network elements, rates and interconnection for Qwest. That proceeding was completed in Application No. C-2516/PI-49.

For the time being, the Commission is of the opinion and finds that it has satisfied the basic requirements of section 51.507(f). Therefore, upon consideration of the prior decisions reached in the above-captioned docket and in consideration of the other pricing proceedings, the Commission finds that the above-captioned docket should be closed. The Commission retains continuing jurisdiction to revisit these issues to determine whether the requirements found in the FCC's pricing rules are being met. Should the Commission desire to de-average other elements for Qwest or Unbundled Network Elements for other carriers, it will open a subsequent investigatory docket to address those issues.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be, and it is hereby, closed.

MADE AND ENTERED at Lincoln, Nebraska this 5th day of June, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director