

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Lincoln) Application No. C-2910
Electric System, Lincoln,)
seeking contract carrier permit) ORDER GRANTING MOTION FOR
authority.) AN EXTENSION OF TIME FOR
) COMMENCEMENT OF PROCEDURAL
) ORDER NO. 1
)
) Entered: October 7, 2003

BY THE COMMISSION:

On September 5, 2003, the Nebraska Telecommunications Association (NTA) and the Nebraska Cable Communications Association (NCCA) filed a Motion for Extension of Time for Commencement of Procedural Order No. 1 in the above-captioned matter.

On September 17, 2003, Lincoln Electric System (LES) filed a Response to the NTA/NCCA Motion, opposing the Motion because an extension of time would constitute an unnecessary delay in the proceedings and would be contrary to the Commission's Rules.

The Commission held an oral argument on the Motion on September 23, 2003, in the Commission Hearing Room. Appearances were made by Jack Shultz on behalf of the NTA/NCCA, Paul Schudel on behalf of ALLTEL, William Austin and Douglas Curry on behalf of LES and Chris Post on behalf of the Commission.

The NTA/NCCA argued that Procedural Order No. 1 should be extended indefinitely until such time as all appeals for the Commission's Order Issuing Declaratory Ruling, in Application No. C-2925 are completed. To do otherwise, would unnecessarily expend resources of the parties and the Commission on issues that are currently subject to an appeal.

LES responded that as the burden of discovery is largely on it, LES was nonetheless willing to fulfill its obligations at this time. Furthermore, LES argued that the Commission lacked authority to issue a stay.

The Commission is inclined to agree with the NTA/NCCA. As the scope of the proceeding is unknown at this time, we are unwilling to require the parties and Commission staff to spend limited resources addressing the issues outlined in Procedural Order No. 1 until such time that all appeals of the Commission's Order issuing its Declaratory Ruling, in Application No. C-2925 are completed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that an the NTA/NCCA Motion for Extension of Time for Commencement of Procedural Order No. 1 is hereby, granted.

IT IS FURTHER ORDERED that Procedural Order No. 1 is hereby extended indefinitely until such time as all appeals for the Commission's Order Issuing Declaratory Ruling, in Application No. C-2925 are completed.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of October, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director