

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition) Application No. C-2925
for Declaratory Ruling of)
Lincoln Electric System seeking)
a determination that Title 291,)
Chapter 5, Telecommunications)
Rules and Regulations, Sections)
001, 002 and 003, as amended and)
enacted March 31, 2003,)
governing telecommunications) PREHEARING CONFERENCE ORDER
contract carriers, shall not be)
applied retroactively to the)
Application of Lincoln Electric)
System for Contract Carrier)
Permit Authority (Application)
No. C-2910) filed March 27,)
2003.) Entered: June 17, 2003

BY THE COMMISSION:

On April 16, 2003, Lincoln Electric System (LES) filed with the Commission a Petition for Declaratory Ruling seeking a determination that Title 291, Chapter 5, Telecommunications Rules and Regulations, Sections 001, 002 and 003, as amended and enacted March 31, 2003, governing telecommunications contract carriers, shall not be applied retroactively to the Application of Lincoln Electric System for Contract Carrier Permit Authority (Application No. C-2910) filed March 27, 2003.

Notice of the Petition for Declaratory Ruling was published on April 18, 2003, in The Daily Record, Omaha, Nebraska. Interventions were subsequently filed by Paul M. Schudel, on behalf of ALLTEL Nebraska, Inc. (ALLTEL); Jack L. Shultz, on behalf of the Nebraska Telecommunications Association (NTA) and the Nebraska Cable Communications Association (NCCA); and Deonne L. Bruning, on behalf of Cox Nebraska Telcom, L.L.C. (collectively referred to as Interveners).

On June 4, 2003, the Commission held a pre-hearing conference in this matter. The pre-hearing conference was conducted by Commissioner Frank Landis with all parties of record participating. This Pre-hearing Conference Order records the actions taken at the conference.

The following schedule shall be established and shall govern the Commission's consideration of this docket:

- a. LES shall file an original, plus six paper copies and an electronic version of its pre-hearing brief with the Commission on or before June 27, 2003. In addition, LES shall serve a copy of its brief to all parties of record.
- b. Interveners shall have until July 18, 2003, to file reply briefs with the Commission. Interveners shall file an original, plus six paper copies and an electronic version of their reply briefs with the Commission. In addition, all such reply briefs should be served on LES and the other Interveners of record.
- c. The Commission shall conduct an oral argument on the Petition for Declaratory Ruling on August 5, 2003, at 1:30 p.m. in the Commission Hearing Room. Each side shall have one hour to present its oral argument. The oral argument will be transcribed by the Commission's court reporter unless otherwise arranged by the parties.
- d. The parties have agreed to stipulate to the admission into the record of this proceeding a certified copy of Title 291, Chapter 5, Telecommunications Rules and Regulations, Sections 001, 002 and 003, as amended and enacted March 31, 2003, governing telecommunications contract carriers.
- e. The issue of post-hearing briefs and/or proposed orders will be addressed at the conclusion of the oral argument.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the proceedings regarding the above-captioned matter shall be conducted in conformity with the foregoing paragraphs of this Pre-hearing Conference Order.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of June, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director