

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, ) Application No. C-3026  
on its own motion, seeking to )  
conduct a 9-month proceeding as ) HEARING OFFICER'S ORDER  
contemplated by the Federal Com- ) SETTING ORAL ARGUMENT  
munications Commission in its )  
Triennial Review Order adopting )  
new rules for network unbundling )  
obligations. ) Entered: February 9, 2004

BY THE HEARING OFFICER:

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

On February 6, 2004, ALLTEL Nebraska, Inc. (ALLTEL) filed a Motion requesting that the Nebraska Public Service Commission (Commission) temporarily stay discovery and amend its procedural schedule set by the Commission in this application by extending all procedural deadlines by approximately 60 days.

According to ALLTEL, due to the pendency of a significant number of discovery requests served among parties and non-parties to this proceeding, the current schedule for responding to such discovery requests, and the significant burden on parties, non-parties, the Commission and its Staff to process all pending discovery matters, ALLTEL submits that the best interest of all concerned will be served by the Commission granting a 60-day extension. In addition, ALLTEL suggests that the decision pending in the Circuit Court appeal will likely have a significant impact on the TRO that may require this proceeding to be abandoned, appreciably altered or recommenced.

Although no oral argument was requested, the Hearing Officer is of the opinion and finds that an oral argument on ALLTEL's motion would clarify each party's position on this matter. Therefore, the Hearing Officer hereby sets this matter for oral argument.

As a decision on the Motion to Stay could supercede any decision on the batch hot cut issue, the oral argument on the Motion to Stay will be held in place of the argument previously scheduled for the batch hot cut issue. Therefore, the Commission will conduct the oral argument on the Motion to Stay on February 12, 2004, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska. As before, a conference bridge will be available with the following call-in number: 402-471-6000 if in Lincoln, 1-888-866-4213 if outside of Lincoln.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that an oral argument on the ALLTEL Motion to Stay filed February 5, 2004, be and it is hereby set for February 12, 2004, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska and via conference call as prescribed herein.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of February 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

By:   
Anne C. Boyle  
Hearing Officer