

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)
contemplated by the Federal Com-) ORDER DENYING STAY, BUT
munications Commission in its) GRANTING 30 DAY EXTENSION
Triennial Review Order adopting)
new rules for network unbundling)
obligations.) Entered: February 18, 2004

BY THE COMMISSION:

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 the Nebraska Public Service Commission (Commission) to temporarily stay discovery and amend the procedural schedule set by the Commission in its Triennial Review Order (TRO) proceeding by approximately 60 days.

In its Motion, ALLTEL alleged that 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 temporary stay in discovery and extending all procedural deadlines by 60 days. In addition, ALLTEL suggests that the appeal decision pending before the DC Circuit Court 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 scheduled this matter for oral argument on February 12, 2004. In addition to staff, representatives from ALLTEL, AT&T and Qwest participated in the oral argument. Representatives from MCI, McLeod, Cox, NT&T and Allo were present but did not participate in the oral argument.

While no party specifically opposed the Motion for Stay, the Commission notes that not all parties specifically supported the Motion either. The Commission also recognizes and takes very seriously, its responsibility to complete, in a timely manner, the obligations placed on it by the Federal Communications Commission (FCC.) Therefore, the Commission is of the opinion and finds that the Motion for Stay should be denied.

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However, in recognition of the concerns expressed by the parties the Commission is inclined to grant all parties a 30-day extension. Such an extension will not unduly delay our TRO review nor fly in the face of the FCC directive. Furthermore, both ALLTEL and Qwest have committed, if such an extension is granted, to refrain from petitioning the FCC, citing failure to act under paragraph 527 of the TRO.

Accordingly, the deadlines and hearing dates previously set forth in Docket No. C-3026 are hereby extended by approximately 30 days. Once the Commission has reviewed its calendar, the Commission will issue a revised procedural schedule.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Stay should be, and is hereby, denied.

IT IS FURTHER ORDERED that a 30-day extension of all deadlines and hearing dates previously set forth should be, and is hereby, granted.

IT IS FINALLY ORDERED that Commission will issue a revised procedural schedule once it has reviewed its calendar.

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of February, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Louise Johnson

Anne L. Boyle

Red Johnson

Chair

Gerald L. Vap

ATTEST:

Ad S. Pollock

Executive Director

//s//Frank E. Landis

//s//Gerald L. Vap