

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its) Rule and Regulation #192
own motion, seeking to amend Title 291,)
Chapter 1, Rules of Commission Procedure,)
to update the chapter in its entirety.)

COMMENTS OF COX NEBRASKA TELCOM, LLC

Cox Nebraska Telcom, LLC ("Cox") hereby files these Comments for the Nebraska Public Service Commission's ("Commission") consideration in the above-captioned docket, Rule and Regulation #192. These comments are being filed pursuant to the Commission Order entered August 4, 2015.

Cox wishes to thank the Commission for its willingness to seek input on the proposed rules from interested parties through several rounds of comments and by more recently holding a workshop on May 5, 2015. Cox submits the following comments for the Commission's additional consideration to address two matters; 1.) to clarify the application of the ex parte prohibition as it relates to departmental complaints, and 2.) to address the approval of petitions for formal interventions 24 hours in advance of a hearing in Rule 003.04.

First, the Commission has deemed departmental complaints contested proceedings in Rule 003.01C. As such, the prohibition of ex parte communication is arguably applicable pursuant to Rule 002.11. However, in the situation of departmental complaints, a complete ban against speaking with all Commission staff negates the ability for defendants to attempt settlement efforts, and to execute stipulations resulting in dismissal of complaints. It would be beneficial for the Commission to clarify in its final Order that adopts the proposed rules that Commission staff who are engaged in departmental complaints are parties, and as such, are not bound to the ex parte

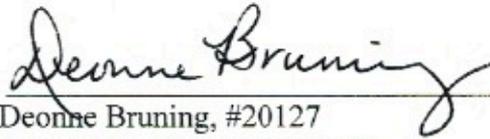
requirements set forth in Rule 002.11. Any other interpretation would nullify a defendant's ability to approach department staff to reach a settlement and effectively forces all complaints to a hearing. To prevent any ambiguity that may result regarding the application of Rule 002.11 to departmental complaints, guidance on this issue in the final adoption Order would be beneficial.

Finally, Cox wishes to address the time period whereby petitions for interventions are ruled upon pursuant to Rule 003.04. Cox understands per the Administrative Procedures Act ("APA"), the Commission is to rule on petitions "as least 24 hours before the hearing". However, such timing is a significant departure from the traditional Commission practice whereby petitions have been filed within 30 days of publication, and rulings on petitions are made shortly thereafter. It would benefit all parties, including the Commission to have as much time as possible to know of the involvement of a petitioner. Accordingly, Cox asks the Commission to consider modifying Rule 003.04 to require that petitions be ruled upon within 48 hours of the hearing. This would impose a more stringent time period on the Commission than the minimum 24 hours required by the APA, but still provide the Commission with sufficient time to thoughtfully examine the petition and render a decision. This change would benefit all parties involved, and lead to a more orderly management of the hearing.

In conclusion, Cox reiterates its appreciation for the Commission's willingness to seek input from interested parties on the proposed rules. Meaningful changes and improvements have been made because of this cooperative effort.

Respectfully submitted this 28th day of August, 2015.

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Certificate of Service

The undersigned hereby certifies that on this 28th day of August, 2015 the foregoing Comments of Cox Nebraska Telcom's in Rule and Regulation #192 were hand-delivered and e-mailed to the Nebraska Public Service Commission. A copy of the same was e-mailed to the following:

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