

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of establishing ) Application No. C-1326  
a procedure for receiving and )  
approving interconnection ) GRANTED  
agreements pursuant to the )  
Telecommunications Act of 1996. ) Entered: October 8, 1996

BY THE COMMISSION:

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

On February 8, 1996, Congress passed the Telecommunications Act of 1996 (the "Act"). On February 29, 1996, AT&T Communications of the Midwest, Inc. (AT&T) filed its application for authority to provide local service in all Nebraska exchanges. AT&T also filed on March 15, 1996, a motion to require each local exchange carrier ("LEC") to file with the Commission its interconnection agreements.

The Commission, on its own motion, on April 30, 1996, opened these proceedings to establish a procedure for receiving and approving interconnection agreements. Notice of this action was published pursuant to the rules of the Commission, comments were solicited, and argument was set for June 4, 1996. A progression order was entered May 28, 1996, restricting argument to the question of whether the Commission may require the production and filing of interconnection agreements and deferred for later consideration the issue of procedure.

Comments were filed and arguments thereon were heard June 4, 1996 with appearances as reflected in the Commission's order entered in this docket on July 2, 1996. In its July 2 order the Commission decided "to temporarily deny AT&T's request for production of interconnection agreements of LECs at least until the FCC publishes its rules which may provide an interpretation of the Act."

Since the date of the Commission's issuance of its July 2 order the FCC has issued regulations which clarify the obligation of LECs to file existing interconnection agreements with state commissions. The FCC regulations which were released August 8, 1996 in CC Docket No. 96-98 (in the Matter of the Local Competition Provisions in the Telecommunication Act of 1996, FCC 96-325) ("the FCC Rules") indicate that pre-existing interconnection agreements must be submitted to state commission for approval pursuant to Sections 252(a)(1) and 252(e) of the Act. See FCC Rules paragraphs 165-171 at 81-85.

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In particular, the FCC imposed a June 30, 1997 filing deadline for submission of any interconnection agreements negotiated before February 8, 1996 between Class A carriers, as defined by 47 C.F.R. 32.11(a)(1). Id. at 84 & at B-15 (to be codified as 47 C.F.R. Section 51.303). However, the FCC imposed no filing deadline for interconnection agreements for other carriers. Furthermore, the Commission does not believe other carriers should be required to submit interconnection agreements until such time as such carrier has received a bona fide request for interconnection and the Commission has determined to lift such carrier's rural exemption under Section 251(f) of the Act (if applicable).

The Commission shall follow the FCC Rules and shall require the submission of interconnection agreements between Class A carriers by June 30, 1997, but shall impose no filing deadline on the submission of any other agreements. The Commission shall reserve for future ruling in a rulemaking procedure commenced under this docket issues concerning the procedural requirements relating to the submission of interconnection agreements to the Commission and the review and approval of such agreements by the Commission.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Interconnection Agreements negotiated before February 8, 1996 between Class A carriers, as defined by 47 C.F.R. Section 32.11(a)(1), shall be filed by the parties with the Commission no later than June 30, 1997.

IT IS FURTHER ORDERED that no filing deadline shall be imposed with respect to the submission to the Commission of any interconnection agreements other than those between Class A carriers, and no other carrier shall be required to submit interconnection agreements to the Commission until such time as a such carrier receives a bona fide request for interconnection and the Commission has determined to lift such carrier's rural exemption under Section 251(f) of the Act (if applicable).

IT IS FURTHER ORDERED that the Commission shall address in a future rulemaking procedure the requirements relating to the submission of interconnection agreements to the Commission and the review and approval of such agreements by the Commission.

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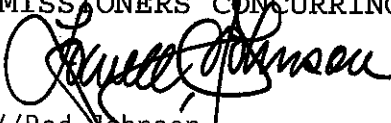
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IT IS FURTHER ORDERED that the Commission shall serve upon all parties who have made an appearance or submitted a filing in this docket a copy of any future notice commencing such rulemaking procedure, and the Commission shall hold a hearing concerning the adoption of any rules regarding the procedure for submitting interconnection agreements to the Commission and the procedure relating to the Commission's review and approval of such interconnection agreements.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of October, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

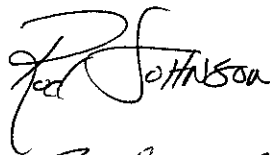


//s//Rod Johnson

//s//Frank E. Lardis

//s//James F. Munnelly

Chairman



ATTEST:



Executive Director

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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