

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Western Wireless Corp.,)	Application No. C-1409
of Issaquah, Washington, Petitioning for)	
Arbitration Pursuant to Section 252(b))	Order
of the Telecommunications Act of 1996)	Interconnection Agreement
of the Rates, Terms and Conditions of)	Approved
Interconnection with US West)	
Communications, Inc.)	Entered: April 8, 1997

BY THE COMMISSION:

On March 29, 1996, Western Wireless (Western) requested renegotiation of its existing interconnection contract with US West Communications, Inc. (US West). Pursuant to Section 252(b)(1) of the Telecommunications Act of 1996 (the Act), Western filed a petition for arbitration with the Commission on September 6, 1996. US West filed its response to the petition, pursuant to Section 252(b)(3) of the Act on October 1, 1996. A supplemental response was filed by US West with the Commission on December 9, 1996.

A hearing was held before the Arbitrator on December 20, 1996. The Arbitrator's decision was filed with the Commission on January 31, 1997. Pursuant to the Commission's policy in C-1128, interested parties were allowed to submit written comments on the recommended decision on or before February 19, 1997. A hearing was held on the Arbitrator's recommendations in the Commission Hearing Room on February 20, 1997. The Commission entered an Order approving in part and denying in part the Arbitrator's recommended decision. Pursuant to that Order, the parties filed the interconnection agreement herein for the Commission's review on March 10, 1997. Interested parties were allowed to file written comments on the proposed interconnection agreement until March 20, 1997. No comments were filed.

DECISION

Section 252(e) of the Act mandates state commissions to review arbitrated interconnection agreements to ensure they comply with Sections 251 and 252(d) of the Act, as well as all applicable state laws. Using those standards, we find the proposed interconnection agreement, filed March 10, 1997, may be approved. We further find that the proposed interconnection agreement complies with the Commission's order dated February 28, 1997.

We note one exception to this determination, Section XXII, Part Q is not approved. This Section, titled Dispute Resolution, provides that parties shall resolve controversies by arbitration proceedings using the rules of the American Arbitration Association. The section goes on to provide that the arbitration shall occur in Denver, Colorado. We find that locating the arbitration proceedings in Denver, Colorado is disadvantageous to this Commission, as well as to consumers served by these two companies. Therefore, this section shall be modified to read as follows:

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"The arbitration shall occur in Lincoln, Nebraska, unless otherwise agreed to by the Parties, as well as the Commission."

We further note this section limits the arbitrator's authority to award punitive damages. Although we believe such language may remain in the interconnection agreement at this time, the Nebraska Legislature may in the future permit the assessment of punitive damages in interconnection agreements. If the Commission is empowered with such authority, this section shall be appropriately amended upon the request of either party.

All other provisions of the proposed agreement are in compliance with the Act and with applicable state laws. This agreement is approved.

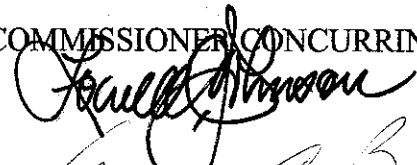

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the interconnection agreement between US West and Western Wireless is hereby approved.

IT IS FURTHER ORDERED that Section XXII, Part Q of the interconnection agreement be modified as set forth herein and that a final interconnection agreement be filed with the Commission within seven (7) days from the date of this Order.

MADE AND ENTERED at Lincoln, Nebraska this 8th day of April, 1997.

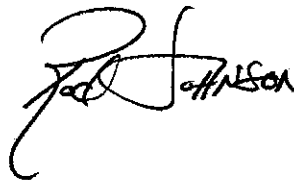
COMMISSIONER CONCURRING:

//s//Rod Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman



ATTEST:

Executive Director

