

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint Appli-)	Application No. C-1947
cation of Advanced Communications)	
Group, Inc. of Sioux Falls, South)	APPROVAL FOR
Dakota, and US West Communications,)	INTERCONNECTION
Inc. of Denver, Colorado, seeking)	AGREEMENT DENIED
approval of their interconnection)	
agreement pursuant to 47 USC)	
Section 252(i).)	Entered: January 5, 1999

BY THE COMMISSION

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

On November 23, 1998, Advanced Communications Group, Inc. (ACG) of Sioux Falls, South Dakota, and US West Communications, Inc. (US West) of Denver, Colorado, jointly filed an application requesting authority to invoke Section 252(i) of the Telecommunications Act of 1996 (the Act) to utilize the arbitrated agreement between Sprint Communications Company, L.P. and US West. Notice of the application was published in The Daily Record on December 24, 1998. No protests were filed; therefore, this application has been administered pursuant to the Commission's Rule of Modified Procedure.

Advanced Communications Group, Inc. wishes to establish an interconnection agreement with US West and accordingly, seeks to adopt the interconnection agreement between Sprint Communications Company, L.P. and US West Communications, Inc. approved by the Commission on November 17, 1997. ACG has not obtained a Certificate of Public Convenience and Necessity to provide local exchange service from the Commission. Section 252(i) of the Act allows a local exchange carrier to adopt a Commission-approved interconnection agreement.

On May 28, 1997, the Commission added language to its mediation/arbitration policy (see Application No. C-1128, Progression Order No. 3) which sets forth the procedures to be followed for a Section 252(i) request. Compliance with these procedures is predicated upon both parties having been certificated by the Commission. This is clear from the language of the progression order. To allow otherwise would result in the contrary result in which a non-certificated company could circumvent the need to obtain Commission approval to operate in the state simply by invoking Section 252(i).

The Act clearly allows the state commissions to set forth requirements consistent with the public interest. The minimal requirement of certification is such a requirement.

The parties here could easily remedy their application by having ACG obtain the necessary certificate of approval from the Commission.

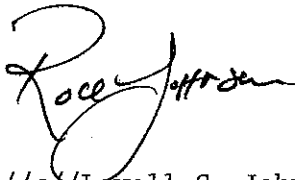
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1947 be, and it is hereby, denied and the interconnection agreement between Advanced Communications Group, Inc. and US West Communications is not approved.

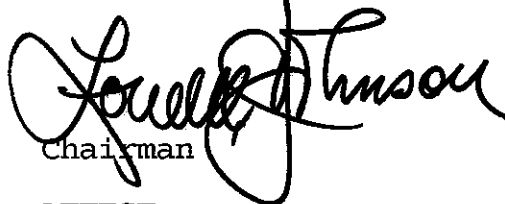
MADE AND ENTERED at Lincoln, Nebraska, this 5th day of January, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION



//s//Lowell C. Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller



Chairman

ATTEST:



Executive Director