

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of US West Communications, Inc., Denver, Colorado, seeking approval of its revised Statement of Generally Available Terms (SGAT) pursuant to Section 252(f) of the 1996 Telecommunications Act.

) Application No. C-2185))
ORDER ALLOWING SECTION
8.4) OF QWEST'S SGAT TO BE)
AMENDED)) Entered: February
21, 2001

BY THE COMMISSION:

On November 22, 2000, Qwest submitted to this Commission a "Compliance Filing Modifying Qwest's Statement of Generally Available Terms (SGAT) To Adopt Collocation Provisioning Intervals Set By The FCC" in Application No. C-2185. According to Qwest, the proposed amendment modifies Section 8.4 of Qwest's SGAT to include the physical collocation provisioning intervals set by the Federal Communications Commission (FCC).

On November 30, 2000, AT&T Communications of the Midwest, Inc. and AT&T Local Services, on behalf of TCG Omaha (AT&T), filed a Motion For Leave To Respond To Qwest's Compliance Filing Modifying Qwest's SGAT To Adopt Collocation Provisioning Intervals Set By The FCC.

In light of the filing by Qwest and AT&T's objection, the Commission, on January 23, 2001, approved setting a hearing in this matter. However, on February 8, 2001, AT&T filed a "Motion to Waive Hearing in Relation to Qwest's Alleged Compliance Filing."

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

In Qwest's compliance filing, Qwest requests that the Commission allow certain modifications to the provisions of Qwest's SGAT relating to physical collocation provisioning intervals to take effect by operation of law. Furthermore, Qwest proposes that these new intervals take effect within 60 days of its filing pursuant to Section 252(f)(3)(B) of the Act.

AT&T, in its Motion to Waive Hearing, indicated that it was not necessary or efficient to address the numerous issues raised by Qwest's filing at this juncture. AT&T further indicated that they believed that the Commission may, based upon its authority under the Telecommunications Act of 1996, allow Qwest's modifications to become effective, subject to later review and approval by the Commission in this proceeding or in the Section 271 proceeding (Application No. C-1830).

Therefore, as AT&T has withdrawn its initial objection at this juncture, the Commission is of the opinion and finds that AT&T's Motion to Waive Hearing should be granted. As a result, the hearing in this matter should be canceled.

Furthermore, the Commission is of the opinion and finds that Qwest's compliance filing with the Commission should be considered effective as a matter of law on January 21, 2001. However, the Commission retains its authority under the Telecommunications Act of 1996 to conduct a full review of Qwest's SGAT prior to issuing an order formally approving Qwest's SGAT.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the "Motion to Waive Hearing" filed by AT&T is hereby granted and the hearing in this matter is canceled.

IT IS FURTHER ORDERED that Qwest's "Compliance Filing Modifying Qwest's Statement of Generally Available Terms (SGAT) To Adopt Collocation Provisioning Intervals Set By The FCC" filed by Qwest on November 22, 2000, will be considered effective as a matter of law on January 21, 2001, subject to later review and approval by this Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of February, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

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