

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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| In the Matter of the Joint |) | Application No. C-2274 |
| Application of Metro Com- |) | |
| munications, Inc., Omaha, and |) | |
| US West Communications, Inc. |) | ORDER GRANTING THE |
| Denver, Colorado, seeking |) | MOTION BY US WEST TO |
| approval of their intercon- |) | MEDIATE |
| nection agreement pursuant |) | |
| to 47 U.S.C. § 252(i). |) | Entered: May 31, 2000 |

BY THE COMMISSION:

On April 17, 2000, a joint application was filed by Metro Communications (Metro) of Omaha, and US West Communications, Inc. (US West) of Denver, Colorado, pursuant to 47 U.S.C. Section 252(i). Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 25, 2000. On April 27, 2000, Metro supplemented its application with notice of its authority by the FCC to provide wireless services, and its intent to provide wireless service only. Notice of the application was republished in The Daily Record, Omaha, Nebraska, on May 2, 2000. A motion by US West to withdraw the joint application or alternatively to request mediation was filed with this Commission on May 10, 2000. On May 19, 2000, oral argument on the US West motion was heard in the Commission Hearing Room, Lincoln, Nebraska.

Mr. Todd Lundy and Ms. Rachel Torrence presented evidence on behalf of US West. Mr. Lundy testified that US West did not know enough about the services and needs from US West because Metro was not willing to disclose essential information to them. His concern, he stated, was that problems with implementation would repeatedly come before the Commission because this agreement will not meet the needs of Metro. Mr. Lundy further testified that US West had concerns about interference which could potentially sacrifice the service of its other customers. Mr. Lundy finally testified that US West would be willing to quickly mediate this matter with Metro. Upon questioning by the Commission, he testified that a resolution from the requested mediation could be reached within whatever time period the Commission deems appropriate.

Ms. Torrence testified that the AT&T/US West agreement would not contain provisions that would support the services Metro wishes to offer. She testified that a negotiated hybrid wireline and wireless agreement would more adequately meet the needs of both parties. She testified that US West was unsure of the architecture of technology which Metro wishes to employ and expressed concerns about Metro's use of bandwidth affecting other customers.

Mr. Abboud testified that he had been negotiating with US West for some time and that time for him was of the essence. Mr. Abboud further argued that provisioning Metro's service would not cause interference in other bandwidths. He stated that he had given US

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West all the information they needed and that any additional information would be proprietary.

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

From the statements adduced in oral argument, this Commission finds that US West's request for mediation should be approved. The respective parties need to meet, negotiate and work out any problems that could potentially arise from the enforcement of an interconnection agreement and the provisioning of services by Metro. In the hearing before the Commission, US West made a commitment to reach a mutual agreement with Metro within an expedited time frame. The Commission expects mediation to be completed by July 10, 2000, or sooner. Therefore, upon consideration of the arguments presented by both parties in the oral argument of May 19, 2000, this Commission finds that this matter should go to mediation.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motion filed by US West alternatively requesting mediation in Application No. C-2274 be, and it is hereby, granted.

IT IS FURTHER ORDERED that the parties have until July 10, 2000, to reach a mutual agreement, and to submit an interconnection agreement to this Commission for approval.

IT IS FURTHER ORDERED that until such time as the respective parties reach a mutual agreement, no interconnection agreement shall be in effect.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of May, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Anne C. Boyle
//s//Daniel G. Urwiller

COMMISSIONERS DISSENTING:
//s//Frank E. Landis


Chairman

ATTEST:


Executive Director