

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2350
of Cable USA of Kearney, seeking)
approval of a voluntarily-)
negotiated interconnection agree-) INTERCONNECTION AGREEMENT
ment with GTE Midwest Incorporated) APPROVED
of Irving, Texas, and of an)
agreement to modify and assign)
interconnection, resale and)
unbundling agreement.) Entered: August 29, 2000

BY THE COMMISSION:

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

On July 17, 2000, an application was filed by Cable USA, Inc. (Cable USA) of Kearney, seeking approval of a voluntarily-negotiated interconnection agreement with GTE Midwest Incorporated (GTE) of Irving, Texas, and also seeking approval of an agreement to modify and assign interconnection, resale and unbundling agreement. Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 21, 2000. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

Pursuant to Section 252(a) of the Telecommunications Act of 1996 (the Act), Cable USA and GTE entered into an interconnection agreement arrived at through voluntary negotiations, an executed copy of which is contained within the application.

On April 5, 2000, pursuant to Application No. C-2148, this Commission approved the sale of GTE's local exchanges and the assets associated therewith to Citizens Utilities Company. Consequently, Cable USA, GTE and Citizens have executed an agreement to modify and assign interconnection, resale and unbundling agreement (the assignment agreement) which results in the assignment of GTE's rights and obligations under the interconnection agreement to Citizens, and also modifies several provisions of the interconnection agreement.

Section 252(e) of the Act requires this Commission to review negotiated interconnection agreements to ensure they comply with Sections 251 and 252(d) of the Act, as well as all applicable state laws. The Commission finds that no portion of the interconnection agreement, as modified by the assignment agreement, discriminates against any telecommunications carrier that is not a party to the agreement. Furthermore, the implementation of the agreement between Cable USA and Citizens is consistent with the public interest, convenience and

necessity. Using those standards, the interconnection agreement, as modified, should be approved. Furthermore, the assignment of the interconnection agreement to Citizens is consistent with our findings in Application No. C-2148 and should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the voluntarily-negotiated interconnection agreement between Cable USA, Inc. and GTE Midwest Incorporated be, and it is hereby, approved.

IT IS FURTHER ORDERED that the agreement to modify and assign interconnection, resale, and unbundling agreement be, and it is hereby, approved.

IT IS FURTHER ORDERED that an updated interconnection agreement, reflecting Cable USA and Citizens as parties to the agreement and reflecting the modifications set forth in the assignment agreement, be filed with the Commission within 30 days from the date of this order.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of August, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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