

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application    ) Application No. C-2786  
of Qwest Corporation of Denver,        )  
Colorado, seeking approval of an       )  
escalation procedure and                ) GRANTED  
business solutions agreement            )  
with McLeod USA, Inc., of Sioux        )  
Falls, South Dakota.                    ) Entered: September 24, 2002

BY THE COMMISSION:

On August 21, 2002, an Application was filed by Qwest Corporation (Qwest) of Denver, Colorado, seeking approval of an escalation procedure and business solutions agreement with McLeodUSA, Inc., of Sioux Falls, South Dakota. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 23, 2002. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

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

Upon concerns raised regarding Qwest's decision not to file contractual agreements with CLECs that it believes do not fall within the filing requirements of Section 252 of the Telecommunications Act of 1996, (The Act) Qwest agreed to file such agreements. It is Qwest's intention to file such agreements until such time that the FCC issues a decision on whether such agreements should be filed with state Commissions under The Act.

In the current application, Qwest seeks approval of an escalation procedure and business solutions agreement with McLeodUSA, Inc. (McLeodUSA). The Commission recognizes that Qwest will be posting this agreement to Qwest's website in order to allow CLECs in Nebraska to opt into the Section 252 terms of the Telecommunications Act of 1996.

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. Using those standards, the agreement filed August 21, 2002, should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the negotiated agreement between Qwest Corporation and McLeod USA, Inc., be, and is hereby approved.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of  
September, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director