

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint ) Application No. C-3183  
Application of Qwest )  
Corporation, Denver, Colorado, )  
seeking approval of its ) GRANTED  
Triennial Review Order Amendment )  
with XO Network Services, Inc., )  
Salt Lake City, Utah. ) Entered: May 18, 2004

BY THE COMMISSION:

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

On April 9, 2004, Qwest Corporation (Qwest) of Denver, Colorado, and XO Network Services, Inc. (XO) of Salt Lake City, Utah, filed a joint application seeking approval of its Triennial Review Order Amendment. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 14, 2004. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

On February 24, 2004, the Commission approved the original proposed interconnection agreement between Qwest and XO, pursuant to Application No. C-3090. In the current application, Qwest and XO seek to amend their interconnection agreement to comply with the Federal Communications Commission's (FCC) new final rule in *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 68 Fed. Reg. 52,275 (Sept. 2, 2003)(to be codified at 47 C.F.R. pt. 51) and new proposed rule in *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 68 Fed. Reg. 52,307 (proposed Sept. 2, 2003)(to be codified at 47 C.F.R. pt. 51).

Qwest's obligations under the Telecommunications Act of 1996 (the Act) were materially modified by the FCC's new final rule. Effective October 2, 2003, the new final rule pertains to, among other things, the availability of unbundled network elements pursuant to Section 251(c)(3) of the Act.

Executed copies of the amendment are contained within the application.

The amendment does not discriminate against any telecommunications carrier that is not a party to the agreement. Furthermore, the implementation of the amendment is consistent with the public interest, convenience and necessity.

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 amendment filed should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Triennial Review Order Amendment to the interconnection agreement between Qwest Corporation and XO Network Services, Inc., is hereby, approved.

IT IS FURTHER ORDERED that the executed amendment filed herein is hereby, made the official copies on file with the Nebraska Public Service Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of May, 2004.

COMMISSIONERS CONCURRING: NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:

Executive Director