

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application    ) Application No. C-3216  
of Qwest Corporation, Denver,        )  
Colorado, seeking approval of        )  
its Operator Services Agreement     ) GRANTED  
with Ionex Communications North,     )  
Inc., Dallas, Texas.                 )  
  ) Entered: July 20, 2004

BEFORE THE COMMISSION:

On June 7, 2004, Qwest Corporation (Qwest) of Denver, Colorado, filed an application seeking approval of its Operator Services Agreement with Ionex Communications North, Inc. (Ionex) of Dallas, Texas. Notice of the application was published in The Daily Record, Omaha, Nebraska, on June 9, 2004. 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

On October 26, 2000, Qwest and Ionex entered into an Operator Services Agreement arrived at through voluntary negotiations. An executed copy of the Agreement is contained within the application. Qwest initially operated as though this type of agreement was not subject to the filing requirements contained within Section 252 of the Telecommunications Act of 1996 (the Act). On March 12, 2004, the Federal Communications Commission (FCC) issued its Notice of Apparent Liability (NAL), finding that Section 252 required the filing of this class of agreements. Qwest files this agreement as a remedial measure.

Section 252(e) of the Act requires this Commission to review interconnection agreements adopted by negotiation or arbitration to ensure that they comply with Sections 251 and 252(d) of the Act, as well as all applicable state laws. Using those standards, the Operator Services Agreement filed on June 7, 2004, should be approved. Qwest emphasized that these standardized services were always available to any requesting carrier. The terms of this Agreement are accessible through previously-approved Statement of Generally Available Terms and Conditions (SGATs), other filed interconnection agreements, posts on Qwest's website, and contacts with Qwest's wholesale organization. Therefore, any delay in the filing of this Agreement does not have any discriminatory effect.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Operator Services Agreement between Qwest Corporation and Ionex Communications North, Inc., be, and it is hereby, approved.

IT IS FURTHER ORDERED that the executed interconnection agreement filed herein be, and it is hereby, made the official copy on file with the Nebraska Public Service Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of July, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director