

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-3535/PI-111
Public Service Commission, on)
its own motion, seeking to)
establish procedures for the)
treatment of commercial) ORDER CLOSING INVESTIGATION
agreements not subject to the)
filing requirements of § 252)
of the Telecommunications Act)
of 1996.) Entered: November 6, 2007

BY THE COMMISSION:

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

On January 18, 2006, the Commission opened the above-captioned investigation seeking comment on the treatment of commercial agreements not subject to the §252 filing requirements of the Telecommunications Act of 1996. Comments were filed on or before April 14, 2006, by Qwest Corporation (Qwest), the Rural Independent Companies (RIC), Alltel Nebraska, Inc. (Alltel) and Cox Nebraska Telecom, L.L.C. (Cox). In its comments Cox asked the Commission to clarify the scope of this docket and to define the term "commercial agreement".

On June 6, 2006, the Commission clarified the scope of the docket and defined the term "commercial agreement" in Progression Order No. 1. The Commission then sought further comment on commercial agreements as they relate to unbundled network elements (UNEs) that were de-listed as a result of the FCC's Triennial Review Order (TRO) and the Triennial Review Remand Order (TRRO).

Comments to Progression Order No. 1 were filed by Qwest Corporation and MCIMetro Access Transmission Services, LLC, dba Verizon Access Transmission Services.

Based on the comments filed, the Commission does not believe that a particular rule or regulation mirroring the FCC's TRO and TRRO would be helpful or provide clarity to companies negotiating interconnection agreements or commercial agreements. In addition, there did not appear to be significant interest by the commenters to develop a set of policies or standards for the Commission to determine whether a particular agreement is subject to the Commission's approval process. Accordingly, the Commission will continue to determine these issues on a case by case basis until there appears to be a need for clarification or a rulemaking.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the scope of this investigation be, and it is hereby, closed.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of November, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director