

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Negotiated Resale/Interconnection)
Agreement between QWEST CORPORATION and)
MGC COMMUNICATIONS, INC., dba MPOWER)
COMMUNICATIONS CORP.)

DOCKET NO. 00-049-55

REPORT AND ORDER

ISSUED: October 20, 2000

SYNOPSIS

The parties to the agreement which is the subject of this proceeding having submitted the same for Commission Approval; and the agreement appearing to conform to the requirements of § 252(e)(1) of the Federal Telecommunications Act of 1996 and applicable Federal Communications Commission regulations; and the agreement appearing to conform to applicable Utah law and Commission Regulations; and approval of the agreement appearing to be in the public interest, the Commission approved the agreement, subject to possible modification pending the outcomes in related dockets involving the same subject matter.

By The Commission:

PROCEDURAL HISTORY

Qwest Corporation and MGC COMMUNICATIONS, INC., dba MPOWER COMMUNICATIONS CORP., entered into an undated interconnection and resale agreement (hereafter "the Agreement") dated July 13, 2000. The parties filed the Agreement with the Commission July 10, 2000, for review and approval in accordance with 47 U.S.C. 229

§ 252(e)(1), a part of the Federal Telecommunications Act of 1996 (hereafter "the Act"). The Administrative Law Judge, having reviewed said agreement and having been fully advised in the matter, now enters the following Report, containing proposed findings of fact, conclusions of law, and the Order based thereon.

FINDINGS OF FACT

- We find the instant agreement does not discriminate against any telecommunication carrier not a party to it.
- The Agreement comports with the Act's § 251, and with currently effective Federal Communications Commission (FCC) regulations.
- The Agreement comports with applicable Utah law and this Commission's rules.
- The United States Congress and the Utah Legislature having established the fostering of competition in the telecommunications industry as sound public policy, the Agreement is in the public interest, since it comports with such policy.
- The Division of Public Utilities, Utah Department of Commerce, recommends approval of the agreement.
- The Agreement incorporates Qwest Corporation's Statement of Generally Available Terms (SGAT) for interconnection/resale.

CONCLUSIONS OF LAW

The Agreement should be approved now as meeting the requirements of 47 U.S.C. § 252(e)(1). This approval should not be taken as a blanket approval of Qwest's SGAT, which is the subject of a separate proceeding.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Interconnection agreement between Qwest Corporation and MGC COMMUNICATIONS, INC., dba MPOWER COMMUNICATIONS CORP., which is undated, be and it hereby is, approved in conformance with 47 U.S.C. § 252(e)(1); however, said approval is not a blanket approval of Qwest Corporation's Statement of Generally Available Terms and Conditions.
- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 20th day of October, 2000.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 20th day of October, 2000, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary