

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Interconnection Agreement
between Qwest Corporation and Lightyear
Network Solutions, Inc.

DOCKET NO. 05-049-08

In the Matter of the Interconnection Agreement
between Qwest Corporation and
Lightyear Network Solutions, LLC

DOCKET NO. 04-049-112

ORDER CANCELING SHOW
CAUSE
HEARING AND ACKNOWLEDGING
INTERCONNECTION AGREEMENT
AMENDMENT

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ISSUED: March 16, 2005

By the Commission:

On February 18, 2005, the Commission issued a Notice of Hearing and Order to Show Cause in Docket No. 04-049-112 requiring Lightyear Network Solutions (“Lightyear”) to appear on March 16, 2005, “to show cause, if any, why Lightyear Network Solution LLC has operated as a public utility without a certificate of public convenience and necessity, and further to show cause why Lightyear Network Solution LLC should not be fined for operating without a certificate.” On February 28, 2005, the Commission issued a Procedural Notice in Docket No. 05-049-08 suspending further action in that docket with respect to the Interconnection Agreement (“ICA”) Amendment filed by Qwest Corporation (“Qwest”) on January 31, 2005, pending the show cause hearing and decision in Docket No. 04-049-112.

On March 2, 2005, Lightyear filed a memorandum with the Commission stating that, although Lightyear and Qwest filed an ICA in July 2004 and an amendment to that ICA in January 2005, Lightyear has not operated as a local service provider in Utah and would not operate as such until its pending application for a Certificate of Public Convenience and Necessity (“CPCN”) is approved. On March 11, 2005, the Division of Public Utilities (“Division”), filed a memorandum in Docket No. 04-2434-01 recommending approval of Lightyear’s certificate application. On March 15, 2005, the Administrative Law Judge spoke to Division personnel and was informed that, based upon its own CPCN recommendation and Lightyear’s representations to the Commission, the Division supports canceling the show

cause hearing scheduled for March 16, 2005.

Based upon the foregoing information, and for good cause appearing, we enter the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The hearing scheduled for March 16, 2005, in Docket No. 04-049-112 is cancelled.
2. The suspension of further proceedings in Docket No. 05-049-08 is vacated and receipt of the ICA

amendment filed on January 31, 2005, is acknowledged. By operation of law, the amendment shall be deemed approved ninety (90) days from its filing with the Commission.

DATED at Salt Lake City, Utah, this 16th day of March, 2005.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#43285 (Docket No. 05-049-08)
G#43286 (Docket No. 05-049-112)