

In the Matter of the Negotiated)
Resale/Interconnection Agreement Between)
U.S. WEST COMMUNICATIONS, INC.,)
and ACCELERATED)
COMMUNICATIONS, INC. (ACI),)
CORPORATION)

DOCKET NO. 99-049-25

REPORT AND ORDER

ISSUED: August 18, 1999

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.

Appearances:

Michael C. Thompson For U.S. WEST COMMUNICATIONS, INC.

By The Commission:

PROCEDURAL HISTORY

U.S. WEST COMMUNICATIONS, INC. ("U.S. WEST"), and ACCELERATED COMMUNICATIONS, INC., CORPORATION ("ACI CORP."), entered into an interconnection and/or resale agreement (hereafter "the Agreement") dated June 17, 1999. The parties filed the Agreement with the Commission June 22, 1999 for review and approval in accordance with

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

FINDINGS OF FACT

1. The instant agreement does not discriminate against any telecommunication carrier not a party to it.
2. The Agreement comports with the Act's § 251, and with currently effective Federal Communications Commission (FCC) regulations.
3. The Agreement comports with applicable Utah law and this Commission's rules.
4. 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.

5. One of the contracting parties, ACI CORP., is not yet certificated by this Commission, although its application for authority is pending.

CONCLUSIONS OF LAW

The Commission has pending before it a petition for reconsideration in

Docket No. 94-999-01, a proceeding which could impact the agreement here at issue. The Commission deems resolution of those issues in the docket unnecessary for approval of the instant agreement, subject to possible later modification based on such resolution. The Agreement should be approved now as meeting the requirements of 47 USC § 252(e)(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The Resale/Interconnection agreement between U.S. WEST and ACI CORP., dated June 17, 1999, be and it hereby is, provisionally approved, subject to ACI CORP.'s being granted a Certificate of Convenience and Necessity within a reasonable time, in conformance with 47 USC § 252(e)(1), subject further to possible subsequent Commission Order requiring modification.

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 18th day of August, 1999.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary