BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer	Chair
Gregory Scott	Commissioner
Marshall Johnson	Commissioner
Phyllis Reha	Commissioner
Ellen Gavin	Commissioner

Jason D. Topp
Qwest Corporation
Law Department
200 South Fifth Street, Room 395
Minneapolis, MN 55402

SERVICE DATE: JUN 12 2003

DOCKET NO. P-5323,421/IC-03-441

JUN 13

In the Matter of an Application for Approval of the March 26, 2003 Confidential Billing Settlement Agreement and Confidential Letter Agreement Amendment to the Interconnection Agreement Between McLeodUSA Telecommunications Services, Inc. and Qwest Corporation (Originally Approved in Docket No. P-5323,421/M-97-1559)

The above entitled matter has been considered by the Commission and the following disposition made:

Approved, with the exceptions recommended by the Department of Commerce in its attached comments

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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MINNESOTA
DEPARTMENT OF
COMMERCE

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MN PUBLIC UTILITIES COMMISSION

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May 15, 2003

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: In the Matter of the Application for Approval of the Amendment to an Interconnection Between McLeodUSA Telecommunications Services, Inc. and Qwest Corporation
Docket No. P5323,421/IC-03-441

Dear Dr. Haar:

Interconnection agreements and amendments to interconnection agreements that are not arbitrated under §252 of the Federal Telecommunications Act of 1996 may be approved without hearing under Minn. Stat. § 216A.03, subd. 7. The Public Utilities Commission's (Commission) Order designating interconnection agreements and amendments to interconnection agreements as subject to a standing order was issued on August 25, 2000 in Docket No. P999/CI-00-634. The use of a standing order is to apply to filings submitted on or after September 1, 2000.

As required by the Commission's August 25, 2000 Order, the Department of Commerce has reviewed and analyzed the current filing. Attached is the Minnesota Department of Commerce's Checklist for processing amendments to interconnection agreements. The Checklist reflects the Department's analysis of the issues and language that the Commission has established to meet the requirements that interconnection agreements or amendments thereto not discriminate against third parties, harm the public interest or conflict with state law.

The amendment was filed on:

March 26, 2003

Topic of the amendment:

Confidential Billing Settlement Agreement and Confidential Letter Agreement.

Interconnection Agreement amended:

Docket No. P5323,421/M-97-1559 effective January 30, 1998

Wireless or Wireline:

Wireline

The Petition was filed by:

Jason D. Topp
Qwest Corporation
Law Department
200 South Fifth Street, Room 395
Minneapolis, Minnesota 55402

Conditions for implementation:

This agreement contains one or more bracketed provisions. The Department disagrees with Qwest's position that the bracketed provisions are 47 U.S.C. § 251(b) and (c) services, and are the only provisions that the Commission has authority to approve under 47 U.S.C. § 252(e). The Minnesota Commission reviews for approval interconnection agreements in their entirety. If, however, the Commission determines that portions of these negotiated agreements are discriminatory to non-parties or are otherwise against the public interest, the Commission has the authority to reject all or part of the agreements. The ability of any CLEC to opt into provisions contained in the document is governed by Sections 252(a), (e) and (i) of the Telecommunications Act.

The Department's analysis finds that the interconnection agreement complies with the Commission's requirements as indicated on the attached Checklist. The Department is submitting this memorandum recommending that the Commission **approve** the amendment to the interconnection agreement either at a Commission hearing or by way of the standing order process ordered on August 25, 2000.

Sincerely,

BRUCE L. LINSCHEID
FINANCIAL ANALYST

BLL/sm
Attachment

Companies: McCleodUSA Telecommunications Services, Inc. and Qwest Corporation
Docket No.: P5323,421/IC-03-441

CHECKLIST FOR PROCESSING AMENDMENTS TO INTERCONNECTION AGREEMENTS

ANALITICAL PROCEDURES

A. AMENDMENTS TO INTERCONNECTION AGREEMENTS

__x__1. Amendment modifies an approved interconnection agreement. (Identify docket and date of Order) Docket No. P5323,421/M-97-1559 effective January 30, 1998

____2. Amendment addresses language required by the Commission to meet the requirements of 47 CFR 252(e)(2) and (3).

____3. The Parties have complied with the Commission's requirement for prior approval of an amendment to an interconnection agreement.[1] Qwest seeks prior approval of the bracketed language in this agreement on a going-forward basis. This agreement was previously not filed with the Commission, but it is now being submitted to comply with Section 252(a) filing requirements.

____4. Amendment addresses an issue on which the Commission has established its position.

__x__5. Amendment does not cover a topic on which the Commission has established a precedent.

__x__a. Identify the topic: Confidential Billing Settlement Agreement and Confidential Letter Agreement

__x__b. Amendment does not threaten the public interest, discriminate against third parties or conflict with state law.

__x__1) Agree (explain).

____2) Disagree. See Checklist Item A.6.

__x__6. Other Comments.

This interconnection agreement amendment was executed on April 28 and October 26, 2000. While Qwest previously submitted it to the Department as part of its investigation into Qwest's interconnection agreement filing practices in Docket No. P421/IC-02-197, it is only now being submitted for Commission approval. Although this agreement was not one of the agreements that the Department chose to use as part of its complaint, this should not suggest that Commission approval of this agreement is not necessary. The

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[1] In the Matter of the Application for Approval of the Agreement for Interconnection and Traffic Interchange between Cellular Mobil Systems of St. Cloud, Minnesota L.L.P. and U S WEST Communications, Inc., Docket No. P421/EM-97-437 at page 6.

agreements selected by the Department were limited for the purposes of the contested case process in Docket No. P421/IC-02-197. It is the position of the Department that Qwest has always been obligated to file this agreement.

This agreement contains one or more bracketed provisions. The Department disagrees with Qwest's position that the bracketed provisions are 47 U.S.C. § 251(b) and (c) services, and are the only provisions that the Commission has authority to approve under 47 U.S.C. § 252(e). The Minnesota Commission reviews for approval interconnection agreements in their entirety. If, however, the Commission determines that portions of these negotiated agreements are discriminatory to non-parties or are otherwise against the public interest, the Commission has the authority to reject all or part of the agreements. The ability of any CLEC to opt into provisions contained in the document is governed by Sections 252(a), (e) and (i) of the Telecommunications Act.

Since the Department does not believe that this agreement contains any provisions that are discriminatory to non-parties or are otherwise against the public interest, the Department recommends that the Commission approve this agreement in its entirety.

B. RECOMMENDATION OF THE DEPARTMENT

__x__1. Accept the interconnection agreement/amendment.

Conditions: See Checklist Item A.6.

____2. Reject the interconnection agreement/amendment. (Not subject to the standing order.)