

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye
Ken Nickolai
Marshall Johnson
Phyllis Reha
Thomas Pugh

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Petition of Covad
Communications Company for Arbitration of
an Interconnection Agreement with Qwest
Corporation Pursuant to 47 U.S.C. § 252(b)

ISSUE DATE: May 18, 2005

DOCKET NO. P-5692, 421/IC-04-549

ORDER DENYING RECONSIDERATION,
CLARIFICATION AND REHEARING

PROCEDURAL HISTORY

On March 14, 2005, the Commission issued its ORDER RESOLVING ARBITRATION ISSUES AND REQUIRING FILED INTERCONNECTION AGREEMENT.

On March 24, 2005, Qwest Corporation (Qwest) petitioned the Commission to reconsider its decisions regarding the length of time Qwest should wait after payment is due before –

- assessing late payment fees to Covad Communications Company (Covad),
- discontinuing order processing for Covad and
- disconnecting service to Covad.

By April 5, 2005, the Commission had received comments on Qwest's petition from Covad and the Minnesota Department of Commerce (the Department).

On April 5, 2005, Covad petitioned the Commission to –

- consider new evidence regarding Qwest's duty to notify Covad before removing a copper cable from service,
- clarify the Order language regarding the network elements to be governed by the interconnection agreement, and
- reconsider its decision directing Covad to pay Qwest if it wants Qwest to regenerate the signal that Covad sends to another carrier's switch within Qwest's central office.

By April 24, 2005, the Commission had received comments on this petition from the Department and Qwest.

On April 25, 2005, Qwest replied to the Department's comments regarding Covad's petition.

On May 11, 2005, this matter came before the Commission.

FINDINGS AND CONCLUSIONS

Having reviewed the record, the Commission finds that the petition does not raise new issues, does not point to new and relevant evidence, does not expose errors or ambiguities in the original Order, and does not otherwise persuade the Commission that it should rethink its original decision. The Commission concludes that the original decision is the one most consistent with the facts, the law, and the public interest, and will therefore deny the petitions for reconsideration, clarification and rehearing.

The Commission will so order.

ORDER

1. The parties' petitions for reconsideration, clarification and rehearing are hereby denied.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice) or 1-800-627-3529 (TTY relay service).