

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer
Ken Nickolai
Marshall Johnson
Phyllis Reha
Thomas Pugh

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Qwest's Application for
Commission Review of TELRIC Rates
Pursuant to 47 U.S.C. § 251

ISSUE DATE: March 30, 2007

DOCKET NO. P-421/AM-06-713

ORDER REFERRING ADDITIONAL ISSUE
TO CONTESTED CASE PROCEEDING

PROCEDURAL HISTORY

On May 16, 2006, Qwest Corporation (Qwest) asked the Commission to reexamine the rates of several hundred Qwest unbundled network elements (UNEs), and to establish rates for some new and redefined UNEs, as the term is used in the federal Telecommunications Act of 1996.¹

On September 5, 2006, the Commission issued its ORDER REFERRING RATES INQUIRY TO OFFICE OF ADMINISTRATIVE HEARINGS. On September 15, the Commission issued its NOTICE AND ORDER FOR HEARING, initiating a contested case proceeding for the purpose of resolving contested factual issues about the costs Qwest incurs to provide various UNEs.

On January 9, 2007, arbitrators in an interconnection dispute between Qwest and Eschelon Telecom, Inc. (Eschelon),² a competitive local exchange carrier (CLEC), recommended among other things that the Commission open a docket to establish the cost-based rate Qwest may charge a CLEC for expediting access to UNEs.

The Commission met on March 6 to consider that matter. Eschelon recommended adopting the arbitrators' recommendation; Qwest opposed it.

¹ See 47 U.S.C. §§ 251(c), 252(d)(1)(A)(I); 47 C.F.R. § 51.501 *et seq.*

² *In the Matter of the Petition of Eschelon Telecom, Inc. for Arbitration of an Interconnection Agreement with Qwest Corporation Pursuant to 47 U.S.C. § 252(b)*, Docket No. P-5340,421/IC-06-768.

FINDINGS AND CONCLUSIONS

Given the factual nature of establishing a cost-based rate that Qwest may charge a CLEC for providing expedited access to UNEs, the Commission finds merit in the recommendations of the arbitrators and of Eschelon to refer this matter for a contested case proceeding. In the interest of administrative efficiency, however, the Commission declines to establish a new docket for this purpose. Rather, this matter is being referred to the current docket for resolution. The Commission concludes that the current cost proceeding provides the most appropriate forum for establishing an appropriate cost-based rate for expediting access to UNEs.³

The Commission will so order.

ORDER

1. The issue of Qwest's cost to expedite access to UNEs is referred to the current docket.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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³ *Id.*, ORDER RESOLVING ARBITRATION ISSUES, REQUIRING FILED INTERCONNECTION AGREEMENT, OPENING INVESTIGATIONS AND REFERRING ISSUE TO CONTESTED CASE PROCEEDING.