

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye	Chair
Marshall Johnson	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of the Complaint of McLeodUSA
Telecommunications Services, Inc. Against
Qwest Corporation for Collocation Power
Charges

ISSUE DATE: June 22, 2007

DOCKET NO. P-421/C-06-691

ORDER APPROVING SETTLEMENT AND
DISMISSING COMPLAINT

PROCEDURAL HISTORY

On May 9, 2006, the Commission received a complaint against Qwest Corporation (Qwest) by McLeodUSA Telecommunications, Inc. (McLeod). According to the complaint, Qwest had overcharged McLeod for collocation power in Minnesota by over \$500,000 and has continued to overcharge by approximately \$27,000 a month.

On May 24, 2006, Qwest filed an answer and counterclaim. Qwest asserted that McLeod, subsequent to its acquisition of Ovations Communications of Minnesota, Inc. (OCI), failed to transfer the OCI collocations to the McLeod/Qwest interconnection agreement. Therefore, contrary to McLeod's position, the collocations were governed by the OCI/Qwest interconnection agreement.

On June 20, 2006, the Commission referred the matter to the Office of Administrative Hearings for contested case proceedings. At the request of the parties, the administrative law judge suspended the case schedule to allow the parties to conduct settlement discussions.

On February 14, 2007, the parties filed a settlement agreement, seeking approval by the Commission.

On March 5, 2007, the Department of Commerce filed comments recommending approval of the settlement agreement.

On March 12, 2007, the Administrative Law Judge referred the matter back to the Commission.

On March 22, 2007, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

In the settlement agreement reached with McLeod, Qwest agreed to:

commence power measuring for all eligible McLeodUSA collocation sites, including those originally ordered by Ovation Communications of Minnesota, Inc., that have not been previously measured and shall bill all DC power rate elements that apply to orders greater than 60 amps to McLeodUSA using measured power effective November 1, 2006.

Further, Qwest agreed to issue a bill credit to McLeod.

No one objected to the proposed stipulation and agreement or dismissal, and the Commission concurs with the Department that dismissal is appropriate.

It is hereby ordered that the complaint filed by McLeodUSA shall be considered fully resolved and that his docket is hereby closed. The dismissal shall be with prejudice if and only if all terms of the settlement agreement are fully implemented as certified by both parties to the settlement agreement.

ORDER

1. The stipulation and agreement filed in this matter on February 14, 2007, is approved.
2. The Complaint against Qwest is dismissed with prejudice, and this docket is hereby closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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