

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re: Petition of McLeodUSA) Formal Complaint No. 1321
Telecommunications Services,)
Inc., Cedar Rapids, Iowa, for) ORDER GRANTING INTERIM
enforcement of the) RELIEF
interconnection agreement with)
Qwest Corporation, Denver,) Entered: April 5, 2005
Colorado.

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By Formal Complaint filed March 30, 2005, McLeodUSA Telecommunications Services, Inc. (McLeod), of Cedar Rapids, Iowa, seeks interim relief and enforcement of an interconnection agreement with Qwest Communications (Qwest) of Denver, Colorado. McLeod opted into an interconnection agreement with Qwest which was filed on March 29, 1999 and approved by the Commission on April 14, 1999.

The Formal Complaint stems from a dispute between McLeod and Qwest over Qwest's right under the interconnection agreement to demand security deposits. McLeod states that Qwest demanded that McLeod pay more than \$15.9 million to Qwest within 10 days, and over \$440,000 in Nebraska alone, or Qwest will "suspend order activity" and "disconnect services" provided to McLeod.

McLeod seeks an order from the Commission that Qwest may not demand a security deposit, and that Qwest may not "suspend order activity" or "disconnect services" provided to McLeod until the procedures for dispute resolution in the interconnection agreement have been satisfied. Because McLeod believes Qwest will "suspend order activity" and "disconnect services" if the security deposit is not received by April 1, 2005, McLeod seeks interim emergency relief from the Commission.

Qwest filed a response to the Petition on April 1, 2005. A hearing on the Petitioners request for emergency relief was held in the Commission Library on April 1, 2005. Upon consideration of the Petition, the arguments given at the hearing on April 1, 2005, and being fully informed in the premises, the Commission is of the opinion and finds McLeod should be granted interim relief until further order of the Commission. The Commission should permit Qwest to supplement its response to the Formal Complaint in the timeframe allowed pursuant to Title 291, Chapter 5, § 5.08 of the Commission Rules of Procedure. After such time, the Commission will schedule a

hearing to receive evidence on the merits of McLeod's Formal Complaint.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that McLeod should be granted interim relief until further order of the Commission. Qwest shall not "suspend order activity" or "disconnect services" until further order of the Commission.

IT IS FURTHER ORDERED that this order shall take effect immediately.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of April, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director