

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-3368  
of Qwest Corporation, Denver, )  
Colorado, Filing Under Protest )  
of the Commercial Agreement with )  
Nexgen Integrated ) APPROVED  
Communications, LC, f/k/a )  
Newpath Holdings Inc., )  
Urbandale, Iowa, for provision ) Entered: April 12, 2005  
of Qwest Platform Plus Services.

BY THE COMMISSION:

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

On February 24, 2005, an application was filed by Qwest Corporation (Qwest) of Denver Colorado with Nexgen Integrated Communications, LC, f/k/a Newpath Holdings Inc.(Nexgen) of Urbandale, Iowa, filing under protest of the Commercial Agreement and for provision of Qwest Platform Plus Services (QPP). Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 4, 2005.

Qwest's filing of the Commercial QPP Agreement under protest is the result of the order entered by the Commission on January 4, 2005 in Application No. C-3255. Qwest objects to the Commission's conclusion that Commercial QPP agreements fall within the Commission's jurisdiction, however, reserving its rights, has filed the agreement with the Commission.

The agreement does not discriminate against any telecommunications carrier that is not a party to the agreement. Furthermore, the implementation of the agreement is consistent with the public interest, convenience and necessity.

Section 252(e) of the Act requires this Commission to review negotiated interconnection agreements to ensure they comply with Sections 251 and 252(d) of the Act, as well as all applicable state laws. Using those standards, the agreement filed should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application filed under protest of the Commercial Agreement and for provision of Qwest Platform Plus Services between Qwest Corporation and Nexgen Integrated Communications, LC, f/k/a Newpath Holdings Inc., be, and is hereby, approved.

IT IS FURTHER ORDERED that the executed agreement filed herein be, and is hereby, made the official copy on file with the Nebraska Public Service Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 12<sup>th</sup> day of April, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Louise Johnson*

*Ann C. Boyle*

*ROD JOHNSON*

//s// Frank E. Landis

//s// Gerald L. Vap

Chairman

*Gerald Vap*

ATTEST:

*And J Pollock*

Executive Director