

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.,</p> <p style="text-align:right">Complainant,</p> <p style="text-align:center">vs.</p> <p>QWEST CORPORATION,</p> <p style="text-align:right">Respondent.</p>	<p>DOCKET NO. FCU-06-20</p>
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**ORDER GRANTING STAY**

(Issued October 30, 2006)

On February 9, 2006, McLeodUSA Telecommunications Services, Inc. (McLeodUSA), filed with the Utilities Board (Board) a complaint against Qwest Corporation (Qwest) pursuant to Iowa Code §§ 476.100 and 476.101. McLeodUSA alleged it was being overcharged by Qwest for collocation of power charges in violation of Iowa law and the parties' interconnection agreement.

On July 27, 2006, the Board issued a final order finding, in summary, that the language of the amended interconnection agreement was ambiguous and that extrinsic evidence supported Qwest's proposed interpretation. As part of that order, the Board required McLeodUSA to release amounts billed by Qwest in connection

with the collocation power charges but withheld by McLeodUSA because the charges were in dispute.<sup>1</sup>

On August 15, 2006, McLeodUSA filed an application for rehearing, pursuant to Iowa Code § 476.12. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a joinder in McLeodUSA's application for rehearing and Qwest filed its response on August 31, 2006.

On September 12, 2006, the Board issued an order granting McLeodUSA's request for rehearing solely for purposes of further consideration.

On October 27, 2006, McLeodUSA filed a request for stay of the Board's directive that McLeodUSA pay Qwest the withheld collocation power charges pending the Board's reconsideration of its July 27 order. In support of its request, McLeodUSA states that despite the pending Board review, Qwest is seeking payment from McLeodUSA of the withheld amounts. McLeodUSA also states that while the Board is reconsidering its ruling, these amounts are still legitimately in dispute and therefore a stay of McLeodUSA's payment of these charges is appropriate.

The Board notes that McLeodUSA did not request a stay when it filed its application for rehearing on August 15, 2006, and that Qwest, in the absence of a stay, was within appropriate limits to request payment pending the final resolution in this docket. Nevertheless, McLeodUSA has now requested a stay and the Board

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<sup>1</sup> See, *In re: McLeodUSA Telecommunications Services, Inc., vs. Qwest Corporation*, Docket No. FCU-06-20, "Final Order," p. 16, "Ordering Clause," issued July 27, 2006.

finds that a stay of McLeodUSA's payment of the withheld collocation power charges is appropriate pending the Board's reconsideration of its July 27 order.

**IT IS THEREFORE ORDERED:**

1. The "Request for Stay Pending Reconsideration" filed by McLeodUSA Telecommunications Services, Inc., on October 27, 2006, is granted.
2. Payment by McLeodUSA Telecommunications Services, Inc., to Qwest Corporation for the disputed collocation power charges is stayed pending the Board's reconsideration of its "Final Order" in this docket issued July 27, 2006.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 30<sup>th</sup> day of October, 2006.