

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF CITIZENS TELECOMMUNICATIONS) CASE NO. CTC-T-05-3
COMPANY OF IDAHO AND CRICKET)
COMMUNICATIONS, INC. FOR APPROVAL)
OF AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION AND US) CASE NO. QWE-T-02-4
CELLULAR FOR APPROVAL OF AN)
AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR) CASE NO. QWE-T-05-16
APPROVAL OF AN INTERCONNECTION)
AGREEMENT WITH TETON)
COMMUNICATIONS PURSUANT TO 47)
U.S.C. § 252(i))**

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR) CASE NO. QWE-T-05-14
APPROVAL OF AN INTERCONNECTION)
AGREEMENT WITH ERNEST)
COMMUNICATIONS, INC. PURSUANT TO) ORDER NO. 29858
47 U.S.C. § 252(e))**

In these cases the Commission is asked to approve new interconnection agreements and an amendment to an existing and previously approved agreement. With this Order the Commission approves the agreements.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the

agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251(b) or (c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s statement that “a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

THE CURRENT APPLICATIONS

1. Citizens Telecommunications Company of Idaho (Frontier) and Cricket Communications, Inc., (Case No. CTC-T-05-3). This agreement was reached through voluntary negotiations, and sets forth the terms, conditions, and pricing under which Frontier will offer and provide to Cricket interconnection facilities for the purpose of delivering telecommunications services to customers.

2. Qwest Corporation and United States Cellular Corporation, (Case No. QWE-T-02-4). This is an amendment to the parties previously approved Interconnection Agreement. This amendment is made to simply reflect the appropriate legal entity by replacing “United States Cellular Mobile Telephone Network” with the name United States Cellular Corporation” throughout the agreement and subsequent amendments.

3. Qwest Corporation and Teton Communications, (Case No. QWE-T-05-16). This filing seeks approval pursuant to 47 U.S.C. § 252(i) of an interconnection agreement for Type I and Type II paging.

4. Qwest Corporation and Ernest Communications, Inc., (Case No. QWE-T-05-14). This agreement was reached through voluntary negotiations, and sets forth the terms, conditions, and pricing under which the parties have agreed to interconnect. It is based upon the Qwest Fourteen State Template, Triennial Review Remand Order (TRRO) Template, and the Idaho Statement of Generally Available Terms (SGAT).

STAFF RECOMMENDATION

The Staff has reviewed the Applications and does not find any terms or conditions to be discriminatory or contrary to the public interest. Staff believes that these agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the

federal Telecommunications Act. Accordingly, Staff recommends Commission approval of the amendments.

COMMISSION DECISION

Under the terms of the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission's review is limited, however. The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.* Based upon our review of the Applications and the Staff's recommendation, the Commission finds that the agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the agreements should be approved. However, approval of these agreements does not negate the responsibility of either of the parties to these agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

IT IS HEREBY ORDERED that the interconnection agreement of Citizens Telecommunications Company of Idaho (Frontier) and Cricket Communications, Inc., Case No. CTC-T-05-3, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement of Qwest Corporation and United States Cellular Corporation, Case No. QWE-T-02-4, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and Teton Communications, Case No. QWE-T-05-16, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and Ernest Communications, Inc., Case No. QWE-T-05-14, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

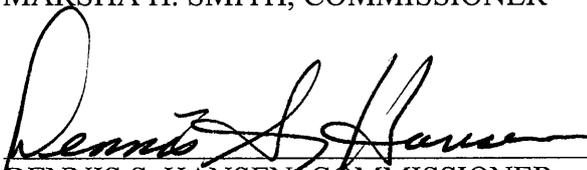
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th
day of August 2005.



PAUL KJELLANDER, PRESIDENT

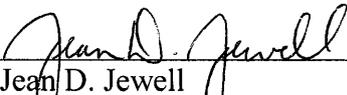


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:QWE-T-02-04_QWE-T-05-16_QWE-T-05-14_CTC-T-05-03_dw