

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND XO) CASE NO. QWE-T-02-2
COMMUNICATIONS SERVICES, INC. FOR)
APPROVAL OF AN AMENDMENT TO AN)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND IDACOMM,) CASE NO. QWE-T-03-18
INC. FOR APPROVAL OF AN AMENDMENT)
TO AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND GRANITE) CASE NO. QWE-T-04-3
COMMUNICATIONS LLC FOR APPROVAL)
OF AN AMENDMENT TO AN)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND ORBITCOM,) CASE NO. QWE-T-04-13
INC. FOR APPROVAL OF AN AMENDMENT)
TO AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
CITIZENS COMMUNICATIONS COMPANY) CASE NO. CTC-T-05-5
OF IDAHO DBA FRONTIER)
COMMUNICATIONS COMPANY OF IDAHO)
AND PAGEDATA LLC FOR APPROVAL OF)
AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
CITIZENS COMMUNICATIONS COMPANY) CASE NO. CTC-T-05-6
OF IDAHO DBA FRONTIER)
COMMUNICATIONS COMPANY OF IDAHO)
AND WAVESENT LLC FOR APPROVAL OF)
AN INTERCONNECTION AGREEMENT) ORDER NO. 29910
PURSUANT TO 47 U.S.C. § 252(e).)**

In these cases the Commission is asked to approve amendments to existing and previously approved Interconnection Agreements as well as new Interconnection Agreements. 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. Qwest Corporation and XO Communications Services, Inc. (Case No. QWE-T-02-2). There are two Applications under this case number. The first is an Interim Period Agreement, and the second is an amendment to this Interim Period Agreement. XO Communications is the surviving entity of the merger between the former XO and Allegiance Companies. While the companies have been negotiating a new agreement to address issues raised by the merger, some issues have yet to be resolved. This Interim Period Agreement provides terms and conditions for operations while the parties complete the negotiations for a complete Agreement. Subsequent to the execution of this Interim Agreement, the merger was finalized in the State of Colorado. The amendment to the Interim Agreement adds the merged Colorado entities to the Agreement.

2. Qwest Corporation and IDACOMM, Inc. (Case No. QWE-T-03-18). This Application seeks approval of the Triennial Review Order and Triennial Review Remand Order (TRO/TRRO) Amendment. This amendment adds terms to implement the provisions of the

FCC's TRO and TRRO decisions. The Commission has previously approved other Agreements containing this amendment.

3. Qwest Corporation and Granite Communications LLC (Case No. QWE-T-04-3). This Application seeks approval of an amendment providing terms for expedited design services. The Commission has previously approved other Agreements containing this amendment.

4. Qwest Corporation and OrbitCom, Inc. (Case No. QWE-T-04-13). This Application seeks approval of the TRO and TRRO Amendment. This amendment adds terms to implement the provisions of the FCC's TRO and TRRO decisions. The Commission has previously approved other Agreements containing this amendment.

5. Frontier (Citizens Communications Company of Idaho) and PageData, LLC (Case No. CTC-T-05-5). This is an Application for a new Interconnection Agreement providing terms for the interconnection of Frontier and PageData's networks for the exchange of local exchange and EAS traffic. The Agreement specifies terms for the point of interconnection, compensation for call termination of traffic (bill and keep), exchange of wireless-wireline traffic (\$0.0112/minute), coordination for design and construction of interconnection facilities, network management, quality of service, and SS7 network usage and administration. The Agreement also contains provisions outlining the term of the Agreement, amendments, assignment, liability, severability, confidentiality, controlling law, default, and dispute resolution. (Disputes not resolved by the parties would be submitted to the Commission for non-binding mediation. If this is not successful, either party may formally take the matter to the Commission, if it has jurisdiction, or an appropriate court.) These terms are essentially the same as those included in the Frontier/IDACOMM Agreement previously approved by the Commission.

6. Frontier (Citizens Communications Company of Idaho) and WaveSent, LLC (Case No. CTC-T-05-6). This Application seeks approval of the same Agreement as described above between Frontier and PageData.

STAFF RECOMMENDATION

The Staff has reviewed the Applications and does not find any terms or conditions that it considers 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 recommended Commission approval of the Agreements.

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 amended Interconnection Agreement of Qwest Corporation and XO Communications Services, Inc., Case No. QWE-T-02-2, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and IDACOMM, Inc., Case No. QWE-T-03-18, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and Granite Communications LLC, Case No. QWE-T-04-3, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and OrbitCom, Inc., Case No. QWE-T-04-13, is approved.


IT IS FURTHER ORDERED that the Interconnection Agreement of Citizens Communications Company of Idaho dba Frontier Communications Company of Idaho and PageData, LLC, Case No. CTC-T-05-5, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Citizens Communications Company of Idaho dba Frontier Communications Company of Idaho and WaveSent, LLC, Case No. CTC-T-05-6, 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 14th day of November 2005.



PAUL KJELLANDER, PRESIDENT

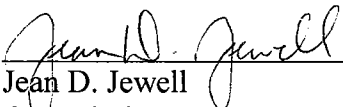


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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