

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
 OF FRONTIER COMMUNICATIONS) **CASE NO. GTE-T-97-13**
 NORTHWEST INC. FKA VERIZON)
 NORTHWEST INC. FKA GTE NORTHWEST)
 INCORPORATED FOR APPROVAL OF)
 AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 VERIZON WIRELESS PURSUANT TO 47)
 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF FRONTIER COMMUNICATIONS) **CASE NO. VZN-T-05-02**
 NORTHWEST INC. FKA VERIZON)
 NORTHWEST INC. FKA GTE NORTHWEST)
 INCORPORATED FOR APPROVAL OF)
 AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 VERIZON WIRELESS PURSUANT TO 47)
 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CITIZENS TELECOMMUNICATIONS) **CASE NO. CTC-T-13-01**
 COMPANY OF IDAHO FOR APPROVAL OF)
 ITS INTERCONNECTION AGREEMENT)
 WITH EDNETICS, INC. PURSUANT TO 47) **ORDER NO. 32797**
 U.S.C. § 252(e))

In these cases, the Commission is asked to approve amendments to two separate Interconnection Agreements between Frontier Communications Northwest Inc. fka Verizon Northwest Inc. fka GTE Northwest Incorporated and Verizon Wireless; and the Interconnection Agreement between Citizens Telecommunications Company of Idaho and Ednetics, Inc. With this Order, the Commission approves the amendments and Interconnection Agreement.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996 (“the Act”), interconnection agreements, including amendments thereto, 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 APPLICATIONS

1. Frontier Communications Northwest Inc. and Verizon Wireless, Case No. GTE-T-97-13. On April 4, 2013, Frontier submitted an Application for approval of amendments to its Interconnection Agreement with Verizon¹, first approved by the Commission on February 3, 1998. *See* Order No. 27334. In the Application, the parties request that the Commission approve Amendment No. 3 to incorporate new terms and conditions and add intraMTA traffic reciprocal compensation rates as provided in the *USF/ICC Transformation Order*.²

2. Frontier Communications Northwest Inc. and Verizon Wireless, Case No. VZN-T-05-02. On April 4, 2013, Frontier submitted an Application for approval of amendments to its Interconnection Agreement with Verizon, first approved by the Commission on June 16, 2005, 1998. *See* Order No. 29805. In the Application, the parties request that the Commission approve Amendment No. 3 to incorporate new terms and conditions and add intraMTA traffic reciprocal compensation rates as provided in the *USF/ICC Transformation Order*.³

3. Citizens Telecommunications Company of Idaho and Ednetics, Inc., Case No. CTC-T-13-01. On April 8, 2013, CTC submitted an Application for approval of its Interconnection Agreement with Ednetics. The parties request that the Commission approve the terms and conditions for ancillary services, collocation, unbundled network elements, resale of local services and pricing.

¹ The original interconnection agreement was with US WEST Newvector Group, Inc. Through a series of mergers, Verizon is the successor in interest to each of the entities associated with the agreement.

² FCC 11-161 (released November 18, 2011) and in FCC 11-189, *Order on Reconsideration* (released December 23, 2011).

³ FCC 11-161 (released November 18, 2011) and in FCC 11-189, *Order on Reconsideration* (released December 23, 2011).

STAFF RECOMMENDATION

Staff 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 the amendments and Interconnection Agreement are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the amendments and Interconnection Agreement.

COMMISSION DECISION

Under the terms of the Telecommunications Act, Interconnection agreements, including amendments thereto, must be submitted to the commission for approval. 47 U.S.C. § 252(e)(1). However, the Commission's review is limited. 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 amendments and Interconnection Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments and Interconnection Agreement should be approved. Approval of the Agreements does not negate the responsibility of either party 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 amendments to the Interconnection Agreement between Frontier Communications Northwest Inc. fka Verizon Northwest Inc. fka GTE Northwest Incorporated and Verizon Wireless, Case No. GTE-T-97-13, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Frontier Communications Northwest Inc. fka Verizon Northwest Inc. fka GTE Northwest Incorporated and Verizon Wireless, Case No. VZN-T-05-02, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Citizens Telecommunications Company of Idaho and Ednetics, Inc., Case No. CTC-T-13-01, 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 26th day of April 2013.



PAUL KJELLANDER, PRESIDENT

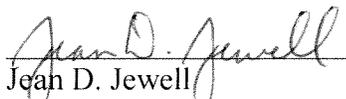


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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