

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION	)	
OF QWEST CORPORATION FOR	)	CASE NO. QWE-T-09-14
APPROVAL OF ITS INTERCONNECTION	)	
AGREEMENT WITH CTC TELECOM, INC.	)	
PURSUANT TO 47 U.S.C. § 252(e)	)	
	)	
IN THE MATTER OF THE APPLICATION	)	
OF TDS TELECOMMUNICATIONS	)	CASE NO. POT-T-09-01
CORPORATION FOR APPROVAL OF ITS	)	
WIRELESS TRAFFIC EXCHANGE	)	
AGREEMENT WITH VERIZON WIRELESS	)	
PURSUANT TO 47 U.S.C. § 252(e)	)	
	)	
IN THE MATTER OF THE APPLICATION	)	
OF VERIZON NORTHWEST INC. FOR	)	CASE NO. VZN-T-09-01
APPROVAL OF ITS INTERCONNECTION	)	
AGREEMENT WITH NETTALK.COM, INC.	)	
PURSUANT TO 47 U.S.C. § 252(e)	)	
	)	
IN THE MATTER OF THE APPLICATION	)	
OF MIDVALE TELEPHONE EXCHANGE,	)	CASE NO. MID-T-09-02
INC. FOR APPROVAL OF ITS TRAFFIC	)	
EXCHANGE AGREEMENT WITH VERIZON	)	
WIRELESS PURSUANT TO 47 U.S.C. § 252(e)	)	
	)	
IN THE MATTER OF THE APPLICATION	)	
OF CUSTER TELEPHONE COOPERATIVE,	)	CASE NO. CUS-T-09-02
INC. FOR APPROVAL OF ITS	)	
NEGOTIATED AGREEMENT WITH	)	
ALLTEL COMMUNICATIONS, LLC AND ID	)	
HOLDING, LLC PURSUANT TO 47 U.S.C. §	)	
252(e)	)	
	)	
IN THE MATTER OF THE APPLICATION	)	
OF CUSTER TELEPHONE COOPERATIVE,	)	CASE NO. CUS-T-09-03
INC. FOR APPROVAL OF ITS	)	
NEGOTIATED AGREEMENT WITH	)	
VERIZON WIRELESS PURSUANT TO 47	)	ORDER NO. 30895
U.S.C. § 252(e)	)	
	)	

In these cases, the Commission is asked to approve newly negotiated Interconnection Agreements. With this Order the Commission approves the Agreements.

### **BACKGROUND**

Under the provisions of the federal Telecommunications Act of 1996, 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. Qwest Corporation and CTC Telecom, Inc., Case No. QWE-T-09-14. On August 5, 2009, Qwest submitted an Application for approval of its Interconnection Agreement with CTC. The Agreement includes the applicable rates, terms and conditions for interconnection between the companies. The Agreement also includes Service Performance Indicators (PIDs) and the Performance Assurance Plan (PAP). See Application, Exhibits B and K. Qwest states that the Agreement was reached through voluntary negotiations and without resorting to mediation or arbitration.

2. TDS Telecommunications Corporation and Verizon Wireless, Case No. POT-T-09-01. On July 30, 2009, TDS, an agent for Potlatch Telephone Company, Inc., filed an Application seeking Commission approval of its negotiated Wireless Traffic Exchange Agreement with Verizon. The Agreement includes the applicable terms and conditions, reciprocal compensation rates and billing procedures.

3. Verizon Northwest Inc. and Net Talk.com, Inc., Case No. VZN-T-09-01. On August 7, 2009, Verizon Northwest filed an Application seeking approval of its Interconnection Agreement with Net Talk. The Joint Agreement allows for the interconnection of each

company's facilities for the purpose of providing customers with increased choices among local telecommunications services. The Application reveals that Net Talk agreed to adopt in substance the Interconnection Agreement between Verizon Northwest and Ymax Communications Corp as an effective Agreement in the State of Idaho. *See* Order No. 30127.

4. Midvale Telephone Exchange, Inc. and Verizon Wireless, Case No. MID-T-09-02. On August 19, 2009, Midvale filed an Application seeking approval of its Traffic Exchange Agreement with Verizon. The Agreement includes the applicable rates, terms and conditions pertaining to the interchange of traffic, facility/network operations and billing/payment compensation arrangements between the parties. The Agreement was reached through voluntary negotiations.

5. Custer Telephone Cooperative, Inc. and Alltel Communications, LLC and ID Holding, LLC, Case No. CUS-T-09-02. On August 19, 2009, Custer filed an Application seeking approval of its negotiated agreement with Alltel. The Agreement includes the applicable rates, terms and conditions pertaining to the exchange of traffic and reciprocal compensation arrangements between the parties. Custer states that the Agreement was reached through voluntary negotiations.

6. Custer Telephone Cooperative, Inc. and Verizon Wireless, Case No. CUS-T-09-03. On August 19, 2009, Custer filed an Application seeking approval of its negotiated agreement with Verizon. The Agreement includes the applicable rates, terms and conditions pertaining to the exchange of traffic and reciprocal compensation arrangements between the parties. Custer states that the Agreement was reached through voluntary negotiations.

#### **STAFF RECOMMENDATION**

Staff has reviewed the foregoing 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 Interconnection Agreements 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 foregoing Agreements.

#### **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). 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. Approval of these 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 Interconnection Agreement between Qwest Corporation and CTC Telecom, Inc., Case No. QWE-T-09-14, is approved.

IT IS FURTHER ORDERED that the Wireless Traffic Exchange Agreement between TDS Telecommunications Corporation and Verizon Wireless, Case No. POT-T-09-01, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Verizon Northwest Inc. and Net Talk.com, Inc., Case No. VZN-T-09-01, is approved.

IT IS FURTHER ORDERED that the Traffic Exchange Agreement between Midvale Telephone Exchange, Inc. and Verizon Wireless, Case No. MID-T-09-02, is approved.

IT IS FURTHER ORDERED that the Negotiated Agreement between Custer Telephone Cooperative, Inc. and Alltel Communications, LLC and ID Holding, LLC, Case No. CUS-T-09-02, is approved.

IT IS FURTHER ORDERED that the Negotiated Agreement between Custer Telephone Cooperative, Inc. and Verizon Wireless, Case No. CUS-T-09-03, 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.

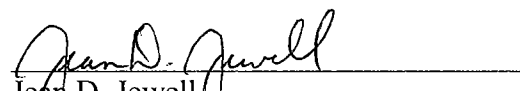
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3<sup>rd</sup>  
day of September 2009.

  
JIM D. KEMPTON, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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