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April 12, 2011

VIA HAND DELIVERY

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, ID 83702-5983

RE: Docket No. GNR-T-11-01

Dear Ms. Jewell:

Enclosed for filing with this Commission are an original and seven (7) copies of the **Reply Comments of Qwest Communications Company LLC (QCC) and Qwest Corporation.**

If you have any questions, please contact me.
Very truly yours,


Mary S. Hobson

Enclosure

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Attorneys for Qwest Communications Company LLC
and Qwest Corporation

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF AN INVESTIGATION OF AN APPROPRIATE CERTIFICATION PROCESS FOR TELECOMMUNICATIONS COMPANIES THAT DO NOT PROVIDE BASIC LOCAL EXCHANGE SERVICE	Case No. GNR-T-11-01 REPLY COMMENTS OF QWEST COMMUNICATIONS COMPANY LLC and QWEST CORPORATION
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Qwest Communications Corporation (now Qwest Communications Company LLC) (QCC) and Qwest Corporation (Qwest) file the following comments in reply to those filed by the various parties in the above-referenced docket.

1. QCC Supports the Recommendation of the IPUC Staff Concerning Companies with Existing CPCNs.

QCC's initial comments point out a number of practical and legal considerations that support QCC maintaining a CLEC CPCN despite not currently having basic local exchange customers. As stated in those comments, the Commission has adequate

authority under state and federal law to issue CPCNs to QCC and similarly situated companies. QCC therefore supports the second recommendation contained in Staff's Comments that CPCNs should be kept in place for companies that already have them.¹ QCC further supports Staff's recommendations in so far as they promote parity between companies in such areas as rules compliance, regulatory fees, filing requirements and similar IPUC requirements.

2. Qwest Corporation Does Not Require a CLEC CPCN to Enter Into Negotiations for an Interconnection Agreement.

Some parties filing initial comments in this docket indicated that certain incumbent local exchange carriers (ILECs), including Qwest Corporation (Qwest), require CLECs to obtain a state commission CPCN prior to negotiating an interconnection agreement (ICA).² In the case of Qwest, at least, this is not accurate.

No party commenting in this docket has stated that Qwest refused to negotiate an ICA without a CPCN. Further, Qwest is not aware of any company that has made a complaint to the IPUC concerning such conduct. The misunderstanding seems to arise from some information posted on Qwest's website that has been attached to the comments of 360Networks(USA) Inc. as pages 1-9 of its Exhibit A. These pages are included under the topic, "Getting Started as a CLEC" and provide a "Checklist."

The first of the "CLEC Responsibilities" provided on the Checklist is to "obtain certification as a telecommunications provider enabling you to do business as a CLEC." The electronic Checklist provides a link, which if followed, allows the prospective CLEC to obtain more information. Included there is a further link to the IPUC website if the CLEC is interested in Idaho. Finally the "Timeframe Suggested" is listed on the Checklist as "before negotiations."

The language does not create a condition precedent to ICA negotiations with Qwest. Rather it places the responsibility on the CLEC to obtain more information about what is required on a state-specific basis to do business as a CLEC. The timeframe is listed as a "suggestion." The Qwest website is intended to provide a broad outline for

¹ Staff Comments, p. 8 (March 28, 2011).

² See e.g., Comments of 360Networks(USA) Inc., p. 2 (March 28, 2011).

CLECs who are “getting started” in any state in Qwest territory; it does not claim to list Qwest requirements for an ICA. Qwest does not require proof that a CPCN has been obtained prior to initiating negotiations.

Nevertheless the advice that a CLEC obtain “certification as a telecommunications provider” early in the process could prove to be valuable to the CLEC. Some *state commissions* have rejected negotiated ICAs where the CLEC has not obtained appropriate state certification.³ The Qwest webpage emphasizes that it is the CLECs’ responsibility to determine what is required to do business in the state in part to avoid such results.

Qwest respectfully suggests that regardless of how the IPUC decides to proceed on the question of certification of companies that are not currently providing basic local exchange service, it should not rely on a misinterpretation of Qwest’s website provisions or a misunderstanding of its policies as a basis for decision.

Dated this 2nd day of April, 2011.

Respectfully submitted,



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³ See e.g., Report and Order Rejecting Interconnection Agreement, *In the Matter of the Interconnection Agreement between Qwest Corporation and Greenfly Networks, Inc. d/b/a Clearfly Communications*, Docket No. 09-049-11, Utah Public Service Commission, May 11, 2009.