(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OFU S WEST NEWVECTOR GROUP, INC. FOR APPROVAL OF AN INTERCONNECTION AGREEMENT PURSUANT TO 47 U.S.C. § 252(e). | )  )  )  )  ) | CASE NO.  GTE-T-97-13  ORDER NO. 27334 |

On November 3, 1997, in accordance with the Telecommunications Act of 1996, U S WEST Newvector Group, Inc. applied for Commission approval of a negotiated Interconnection Agreement with GTE Northwest Inc.  47 U.S.C. § 252 (e)(1).  The Agreement is a wireless interconnection agreement and Newvector is a commercial mobile radio service provider.  The Agreement provides for the parties to interconnect their facilities and for reciprocal compensation and will enable Newvector to enter the wireless market in GTE’s service area.  On December 29, 1997, the Commission issued a Notice of Joint Petition and a Notice of Modified Procedure.  Only the Commission Staff filed comments during the comment period.

In its comments, Staff noted the rates provided to Newvector in this wireless interconnection agreement are slightly more than those rates agreed to by GTE with its subsidiary, GTE Macro Communications Corporation (Mobilnet).  According to Staff’s comments, however, when this was brought to Newvector’s attention, it indicated it considered the differences to be minor and not discriminatory.  Staff found that the differences were slight and were consistent with the size and capacity differences between the two companies.  It, therefore, recommended approval of the agreement.

Under the terms of the 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 negotiation only if it finds that the agreement discriminates against a telecommunication carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity.  47 U.S.C. § 252 (e)(2)(A).  If the Commission does not act to approve or reject the agreement within 90 days after its submission, the agreement is deemed approved.  47 U.S.C. § 252 (e)(4).  The Commission’s decision is not reviewable by the state courts.  Id.

The Commission finds that the final interconnection agreement between GTE and Newvector should be approved.

STAFF COMMENTS

Staff found that the language and terms of this Agreement are generally similar to and consistent with agreements between GTE and other commercial mobile radio service provider providers.  However, it further noted that there are slight differences between the rates adopted in GTE’s agreement with its subsidiary, Mobilnet, and those rates proposed in Newvector’s Agreement.  Mobilnet’s Interconnection Agreement was previously approved by the Commission on December 17, 1997, subject to the condition that “GTE make the same rates available to other telecommunication carriers that have interconnection agreements with GTE.”   Order No. 27265.

In order to determine whether these rates had been made available to Newvector or whether the Agreement discriminates, Staff provided Newvector’s attorney with a copy of the Mobilnet Agreement Appendix which reflected rates different from those in Newvector’s Agreement.  After reviewing the Mobilnet Agreement with his client, Newvector’s attorney told Staff his client considered the differences to be minor and not discriminatory.  Staff found that minor differences between the Mobilnet Agreement and Newvector’s Agreement appeared to reflect each company’s size and capacity and to not discriminate.

Therefore, Staff found the Agreement was consistent with the public interest, convenience and necessity and does not discriminate.  Staff recommended this Interconnection Agreement be approved.

COMMISSION FINDINGS

Under the terms of the Telecommunications Act of 1996, 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 telecommunication carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. Id.  Based on the information filed with the Commission, the Staff’s recommendation, and on the fact no other party commented, the Commission finds that the wireless interconnection agreement between GTE and Newvector is consistent with the public interest, convenience and necessity and does not discriminate.  Therefore, the Commission finds this interconnection agreement should be approved.

O R D E R

IT IS HEREBY ORDERED that the wireless interconnection agreement between GTE Northwest Incorporated and U S WEST Newvector Group, Inc. is approved.

THIS IS A FINAL ORDER.  Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. GTE-T-97-13  may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. GTE-T-97-10 .  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of February 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

O:GTE-T-97-13.cc

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

February 3, 1998