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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF MAX-TEL COMMUNICATIONS, INC. FOR APPROVAL OF AN INTERCONNECTION AGREEMENT  BETWEEN MAX-TEL AND          U S WEST COMMUNICATIONS. | )  )  )  )  )  )  ) | CASE NO. MAX-T-97-1  COMMENTS OF THE  COMMISSION STAFF |

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Brad Purdy, Deputy Attorney General, and in response to the Notice of Modified Procedure issued on September 16, 1997, submits the following comments.

BACKGROUND

On March 11, 1997, Max-Tel Communications, Inc. (Max-Tel), submitted an interconnection agreement with U S WEST for approval by the Commission.  The Application indicated that this Agreement was reached through voluntary negotiations and submitted to the Commission for approval pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act).

Section 252(e) of the Act sets the guidelines for approval of interconnection agreements.  It states:

(e)APPROVAL BY STATE COMMISSION.—

(1)APPROVAL REQUIRED.—Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission.  A State Commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2)GROUNDS FOR REJECTION.—The State commission may only reject—

(A)an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—

(i)the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii)the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

47 U.S.C. § 252 (e)

STAFF INVESTIGATION

The agreement submitted by Max-Tel is the original standard resale agreement offered by  U S WEST to companies seeking to provide competitive local exchange service.  Staff compared the Max-Tel agreement with the U S WEST-Citizens Telecommunications agreement approved by the Commission in Order No. 26778, and found the general terms and conditions to be identical in the two agreements.

STAFF RECOMMENDATION

Staff recommends the Commission approve the interconnection agreement as filed.

DATED  at Boise, Idaho, this            day of October 1997.

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Brad Purdy

Deputy Attorney General

Technical Staff:  Wayne Hart

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