

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-02-22
AND MCIMETRO ACCESS TRANSMISSION)
SERVICES, LLC FOR APPROVAL OF AN)
AMENDMENT TO AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF MIDVALE TELEPHONE) CASE NO. MID-T-05-1
EXCHANGE, INC. AND SPRINT SPECTRUM)
L.P. FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT) ORDER NO. 29724
PURSUAN TO 47 U.S.C. § 252(e))**

In these cases the Commission is asked to approve an amendment to an existing interconnection agreement and to approve an interconnection agreement. With this Order the Commission approves the Agreement and the Amendment.

BACKGROUND

Under the provisions of the federal 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 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 CURRENT APPLICATIONS

1. Qwest Corporation and MCImetro Access Transmission Services, LLC (Case No. QWE-T-02-22). In this case, the parties request approval to amend the existing interconnection agreement approved by the Commission on November 21, 2002. The amendment adds terms, conditions, and rates for Expedites for Design Services.

2. Midvale Telephone Exchange, Inc. and Sprint Spectrum, L.P. (Case No. MID-T-05-1). In this case, the parties request the Commission to approve an interconnection agreement. This agreement outlines the terms and conditions for Traffic Exchange.

STAFF RECOMMENDATION

The Staff has reviewed the Applications and does not find any terms or conditions to be discriminatory or contrary to the public interest. Staff believes that these Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended Commission approval of the Amendment and Agreement.

COMMISSION DECISION

Under the terms of the Telecommunications Act, 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 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. However, approval of these agreements does not negate the responsibility of either of the parties 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 amended interconnection agreement of Qwest Corporation and MCImetro Access Transmission Services, LLC, Case No. QWE-T-02-22, is approved.

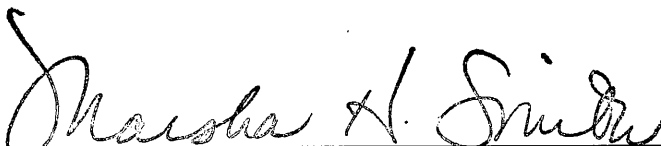
IT IS FURTHER ORDERED that the interconnection agreement of Midvale Telephone Exchange, Inc. and Sprint Spectrum, L.P., Case No. MID-T-05-1, is approved.

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 4th day of March 2005.



PAUL KJELLANDER, PRESIDENT

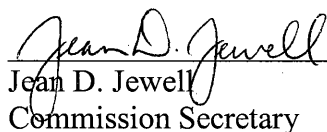


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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