

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE JOINT APPLICATION )</b>	
<b>OF QWEST CORPORATION AND SILVER STAR )</b>	
<b>TELEPHONE COMPANY, INC. FOR APPROVAL )</b>	<b>CASE NO. QWE-T-00-11</b>
<b>OF AN AMENDMENT TO AN EXISTING )</b>	
<b>WIRELINE INTERCONNECTION AGREEMENT )</b>	
<b>PURSUANT TO 47 U.S.C. § 252(e). )</b>	
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<b>IN THE MATTER OF THE JOINT APPLICATION )</b>	
<b>OF QWEST CORPORATION AND IDACOMM, )</b>	
<b>INC. FOR APPROVAL OF AN AMENDMENT TO )</b>	<b>CASE NO. QWE-T-03-18</b>
<b>AN EXISTING WIRELINE INTERCONNECTION )</b>	
<b>AGREEMENT PURSUANT TO 47 U.S.C. § 252(e). )</b>	
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<b>IN THE MATTER OF THE JOINT APPLICATION )</b>	
<b>OF QWEST CORPORATION AND ORBITCOM, )</b>	
<b>INC. FOR APPROVAL OF THE ADOPTION OF )</b>	<b>CASE NO. QWE-T-04-13</b>
<b>THE SGAT AGREEMENT PURSUANT TO 47 )</b>	
<b>U.S.C. § 252(e). )</b>	
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<b>IN THE MATTER OF THE JOINT APPLICATION )</b>	
<b>OF QWEST CORPORATION AND COVISTA, )</b>	
<b>INC. FOR APPROVAL OF THE ADOPTION OF )</b>	<b>CASE NO. QWE-T-04-14</b>
<b>THE SGAT AGREEMENT PURSUANT TO 47 )</b>	
<b>U.S.C. § 252(e). )</b>	
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<b>IN THE MATTER OF THE APPLICATION OF )</b>	
<b>QWEST CORPORATION FOR APPROVAL OF )</b>	<b>CASE NO. QWE-T-04-15</b>
<b>THE OPERATOR SERVICES AGREEMENT )</b>	
<b>WITH CTC TELECOM, INC. )</b>	
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<b>IN THE MATTER OF THE APPLICATION OF )</b>	
<b>QWEST CORPORATION FOR APPROVAL OF )</b>	<b>CASE NO. QWE-T-04-17</b>
<b>THE OPERATOR SERVICES AGREEMENT AND )</b>	
<b>DIRECTORY ASSISTANCE AGREEMENT )</b>	<b>ORDER NO. 29544</b>
<b>WITH IONEX COMMUNICATIONS NORTH, )</b>	
<b>INC. )</b>	

In these cases the Commission is asked to approve new interconnection agreements and amendments to previously approved interconnection agreements.

**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 recently 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 provisions of Section 251(b) or (c).” Order No. 28427 at 11 (emphasis original). This is consistent 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**

The Commission has been asked to approve four new interconnection agreements and two amendments to existing interconnection agreements, as identified below.

1. Qwest Corporation and Silver Star Telephone Company, Inc. (Case No. QWE-T-00-11). In this Application the parties request that the Commission approve an amendment to an existing wireline interconnection agreement. With this filing, Silver Star adopts Exhibit A of Qwest’s Statement of Generally Available Terms (SGAT).

2. Qwest Corporation and IDACOMM, Inc. (Case No. QWE-T-03-18). This is an amendment to an existing wireline interconnection agreement adding terms and conditions for collocation available inventory.

3. Qwest Corporation and OrbitCom, Inc. (Case No. QWE-T-04-13). This Application is for an interconnection agreement adopting the terms of Qwest’s SGAT and Exhibits A through M.

4. Qwest Corporation and Covista, Inc. (Case No. QWE-T-04-14). This Application is for an interconnection agreement adopting the terms of Qwest’s SGAT and Exhibits A through M.

5. Qwest Corporation and CTC Telecom, Inc. (Case No. QWE-T-04-15). This Application requests approval of an agreement relating to operator services.

6. Qwest Corporation and Ionex Communications North, Inc. (Case No. QWE-T-04-17). This Application requests approval of an agreement relating to operator services and directory assistance.

## STAFF RECOMMENDATION

The Staff reviewed these Applications and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes that the new agreements and amendments to interconnection agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve all six applications.

## COMMISSION DECISION

Based upon our review of the Applications, the Staff's recommendation and the fact no other person or entity commented on the Applications, the Commission finds that the new agreements and amendments to previously approved interconnection agreements are consistent with the public interest, convenience and necessity and do not discriminate against other carriers. Therefore, the Commission finds that these Applications should be approved. Approval of the new agreements and amendments to previously approved agreements does not negate the responsibility of any of the parties to these agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or from complying 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 amendment to the interconnection agreement between Qwest Corporation and Silver Star Telephone Company, Case No. QWE-T-00-11, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and IDACOMM, Inc., Case No. QWE-T-03-18, is approved.

IT IS FURTHER ORDERED that the new interconnection agreement between Qwest Corporation and OrbitCom, Inc., Case No. QWE-T-04-13, is approved.

IT IS FURTHER ORDERED that the new interconnection agreement between Qwest Corporation and Covista, Inc., Case No. QWE-T-04-14, is approved.

IT IS FURTHER ORDERED that the new interconnection agreement between Qwest Corporation and CTC Telecom, Inc., Case No. QWE-T-04-15, is approved.

IT IS FURTHER ORDERED that the new interconnection agreement between Qwest Corporation and Ionex Communications North, Inc., Case No. QWE-T-04-17, 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 these Case Nos. QWE-T-00-11, QWE-T-03-18, QWE-T-04-13, QWE-T-04-14, QWE-T-04-15 and QWE-T-0417 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 these cases. 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.*

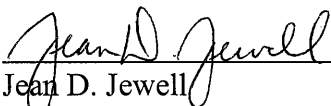
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8<sup>th</sup> day of July 2004.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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