

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF
VERIZON NORTHWEST INC. FOR
APPROVAL OF AN INTERCONNECTION
AGREEMENT AND AMENDMENT FOR THE
STATE OF IDAHO PURSUANT TO 47 U.S.C. §
252(e)**

CASE NO. VZN-T-06-3

**IN THE MATTER OF THE APPLICATION OF
QWEST CORPORATION AND XO
COMMUNICATIONS SERVICES, INC. FOR
APPROVAL OF AN AMENDMENT TO AN
INTERCONNECTION AGREEMENT
PURSUANT TO 47 U.S.C. § 252(e)**

CASE NO. QWE-T-02-2

**IN THE MATTER OF THE APPLICATION OF
QWEST CORPORATION AND AMERICAN
FIBER NETWORK, INC. FOR APPROVAL OF
AN AMENDMENT TO AN
INTERCONNECTION AGREEMENT FOR
THE STATE OF IDAHO PURSUANT TO 47
U.S.C. § 252(e)**

CASE NO. USW-T-00-17

ORDER NO. 29993

In these cases, the Commission is asked to approve amendments to existing and previously approved Interconnection Agreements and a new Interconnection Agreement. With this Order the Commission approves the 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 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. Verizon Northwest Inc. and Commpartners, LLC (Case No. VZN-T-06-3). On February 22, 2006, Verizon filed an Application for approval of an Interconnection Agreement and a TRO amendment to that Agreement. The Agreement includes terms and conditions for interconnection, ancillary services, collaboration, and resale of telecommunications services between the parties.

2. Qwest Corporation and XO Communications Services, Inc. (Case No. QWE-T-02-2). On February 28, 2006, Qwest filed an Application to amend an existing Agreement approved by the Commission on February 29, 2002. In this filing, Qwest incorporates the Triennial Review Remand Order (TRRO) to the original Agreement.

3. Qwest Corporation and American Fiber Network, Inc. (Case No. USW-T-00-17). On February 28, 2006, Qwest filed two Applications to amend an existing Agreement approved by the Commission on August 8, 2000. The first filing incorporates the Triennial Review Order (TRO) and Triennial Review Remand Order (TRRO). The second application incorporates Qwest Digital Subscriber line services.

STAFF RECOMMENDATION

Staff has reviewed the Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Applications are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the amendments to the Agreements.

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. 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 amendments to the Agreements should be approved. However, approval of these amendments to the 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 new and amended Interconnection Agreement of Verizon Northwest Inc. and Commpartners, LLC, Case No. VZN-T-06-3, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and XO Communications Services, Inc., Case No. QWE-T-02-2, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and American Fiber Network, Inc., Case No. USW-T-00-17, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order 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. 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 9th
day of March 2006.



PAUL KJELLANDER, PRESIDENT

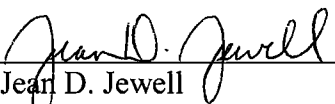


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:QWE-T-02-02_USW-T-00-17_VZN-T-06-03_cg