

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION AND XO)	CASE NO. QWE-T-02-02
COMMUNICATIONS SERVICES, INC. FOR)	
APPROVAL OF AMENDMENTS TO AN)	
INTERCONNECTION AGREEMENT)	ORDER NO. 30490
PURSUANT TO 47 U.S.C. § 252(e))	
)	

In this case the Commission is asked to approve amendments to an existing interconnection agreement between Qwest Corporation and XO Communications Services, Inc. With this Order, the Commission approves the amendments.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements, including amendments thereto, 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

On January 4, 2008, Qwest submitted two Applications for approval to amend its Interconnection Agreement with XO Communications Services, Inc., approved by the Commission on February 28, 2002. Order No. 28964. In the first Application, the parties requested that the Commission approve an amendment to clarify the Relative Use Factor and other terms applicable to facility billing. The second Application sought to amend the agreement to add certain terms and conditions relating to Voice over Internet Protocol (VoIP) services.

STAFF RECOMMENDATION

The 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 proposed amendments are consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve the Applications.

COMMISSION DECISION

Under the terms of the Telecommunications Act, interconnection agreements, including amendments thereto, 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.*

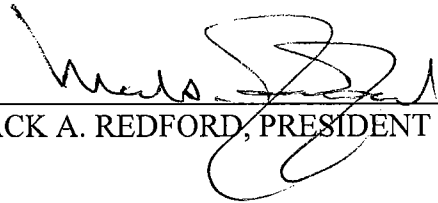
Based upon our review of the Applications and the Staff's recommendation, the Commission finds that the proposed amendments to the previously approved Interconnection Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments should be approved. Approval of these Applications does not negate the responsibility of either of the parties to these Agreements to obtain a Title 62 Certificate of Public Convenience and Necessity (pursuant to Commission Order No. 26665) 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 amendments to the Interconnection Agreement between Qwest Corporation and XO Communications Services, Inc., are 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.

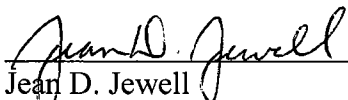
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th
day of January 2008.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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