

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION)
OF FREMONT TELCOM AND NEXTEL) CASE NO. FRE-T-02-1
PARTNERS, INC. FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)
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**IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON NORTHWEST INCORPORATED) CASE NO. GTE-T-98-5
AND WESTERN WIRELESS CORPORATION FOR)
APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)
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**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND SPRINT) CASE NOS. USW-T-97-7
SPECTRUM FOR APPROVAL OF AN) SPS-T-97-1
AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)
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**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND COVAD) CASE NO. USW-T-99-3
COMMUNICATIONS COMPANY FOR)
APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)
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**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND NEW EDGE) CASE NO. USW-T-99-23
NETWORK, INC. FOR APPROVAL OF AN)
AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)
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**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND INTEGRA) CASE NO. USW-T-00-5
TELECOM OF IDAHO, INC. FOR APPROVAL OF)
TWO AMENDMENTS TO AN EXISTING)
INTERCONNECTION AGREEMENT PURSUANT) ORDER NO. 29000
TO 47 U.S.C. § 252(e).)
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IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND MCLEODUSA FOR) CASE NO. QWE-T-00-7
APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND AVISTA) CASE NO. QWE-T-00-15
COMMUNICATIONS OF IDAHO FOR)
APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND NTCH-IDAHO,) CASE NO. QWE-T-00-18
INC. FOR APPROVAL OF AN AMENDMENT TO)
AN EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND PREFERRED) CASE NO. QWE-T-01-15
CARRIER SERVICES, INC. FOR APPROVAL OF)
AN AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND ICG TELECOM) CASE NO. QWE-T-02-3
GROUP, INC. FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND US CELLULAR) CASE NO. QWE-T-02-4
FOR APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
VERIZON AND PREMIERE NETWORK) CASE NO. VZN-T-02-1
SERVICES, INC. FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

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 telecommunications carriers 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 with Section 251(b) or (c).” Order No. 28427 at 11 (emphasis 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

As discussed above the Commission has been asked to approve new interconnection agreements and amendments to existing interconnection agreements. These items are discussed in greater detail below.

1. Fremont Telcom and Nextel Partners, Inc (Case No. FRE-T-02-1). This is a new Commercial Mobile Radio Services Interconnection Agreement. It is similar to other wireless interconnection agreements with Fremont the Commission has approved.

2. Verizon Northwest and Western Wireless Corporation (Case No. GTE-T-98-5). This is Amendment No. 1 to a wireless interconnection agreement. The amendment implements FCC orders regarding reciprocal compensation.

3. Qwest and Sprint Spectrum (Case Nos. USW-T-97-7 and SPS-T-97-1). This is a single point of presence (SPOP) amendment to the Companies’ existing Type 2 wireless interconnection agreement.

4. Qwest and Covad Communications (Case No. USW-T-99-3). This is an amendment that adds conditions regarding testing for line sharing to the existing wireline interconnection agreement.

5. Qwest and New Edge Network, Inc. (Case No. USW-T-99-23). This is an amendment to an existing wireline agreement that adds terms for unbundled loops and unbundled dedicated interoffice transport (UDIT).

6. Qwest and Integra Telecom of Idaho, Inc. (Case No. USW-T-00-5). This is an amendment to an existing wireline interconnection agreement adding terms for collocation cancellation and decommissioning.

7. Qwest and Integra Telecom of Idaho, Inc. (Case No. USW-T-00-5). This is an amendment to an existing wireline interconnection agreement adding terms for enhanced extended loops (EEL).

8. Qwest and McLeodUSA (Case No. QWE-T-00-7). This is an amendment to an existing wireline interconnection agreement adding terms for collocation cancellation and decommissioning.

9. Qwest and Avista Communications of Idaho (Case No. QWE-T-00-15). This is an amendment to an existing wireline interconnection agreement adding terms for collocation cancellation and decommissioning.

10. Qwest and NTCH-IDAHO, Inc. (Case No. QWE-T-00-18). This is an amendment to an existing Type 2 wireless interconnection agreement adding terms for compensation for calls to Internet Service Providers.

11. Qwest and Preferred Carrier Services, Inc. (Case No. QWE-T-01-15). This is an amendment to an existing wireline interconnection agreement adding terms for unbundled network element combinations (UNE-C).

12. Qwest and ICG Telecom Group, Inc. (Case No. QWE-T-02-3). This is a new interconnection agreement adopting the terms of the Sprint Communications Company agreement.

13. Qwest and US Cellular (Case No. QWE-T-02-4). This is an amendment to an existing Type 2 wireless interconnection agreement adding terms for compensation for calls to Internet Service Providers. The existing interconnection agreement was approved in Case No. USW-T-97-8.

14. Verizon and Premiere Network Services, Inc (Case No. VZN-T-02-1). This is a new wireline interconnection agreement for resale and unbundled network elements.

STAFF RECOMMENDATION

The Staff has reviewed these Applications and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes that these 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 believes that the Applications merit the Commission's approval.

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, the Staff's recommendation and on the fact no other person commented on these Applications, the Commission finds that the new interconnection agreements and amendments to previously approved interconnection agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that these Applications should be approved. However, approval of these new agreements and amendments to existing 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 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 new interconnection agreements and amendments to interconnection agreements discussed above are approved. Terms of the agreements that are not already in effect shall be effective as of the date of this Order.

IT IS FURTHER ORDERED that the interconnection agreement between Fremont Telecom and Nextel Partners, Inc., Case No. FRE-T-02-1, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Verizon Northwest Incorporated and Western Wireless Corporation, Case No. GTE-T-98-5, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Sprint Spectrum, Case Nos. USW-T-97-7 and SPS-T-97-1, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Covad Communications Company, Case No. USW-T-99-3, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and New Edge Network, Inc., Case No. USW-T-99-23, is approved.

IT IS FURTHER ORDERED that the two separate amendments to the interconnection agreement between Qwest Corporation and Integra Telecom of Idaho, Inc., Case No. USW-T-00-5, are approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and McleodUSA, Case No. QWE-T-00-7, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Avista Communications of Idaho, Case No. QWE-T-00-15, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and NTCH-IDAHO, Inc., Case No. QWE-T-00-18, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Preferred Carrier Services, Inc., Case No. QWE-T-01-15, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and ICG Telecom Group, Inc., QWE-T-02-3, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and US Cellular, Case No. QWE-T-02-4, is approved. This amendment modifies the previously approved agreement contained in Case No. USW-T-97-8.

IT IS FURTHER ORDERED that the interconnection agreement between Verizon Northwest Incorporated and Premiere Network Services, Inc., Case No. VZN-T-02-1, 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. FRE-T-

02-1, GTE-T-98-5, USW-T-97-7, SPS-T-97-1, USW-T-99-3, USW-T-99-23, USW-T-00-5, QWE-T-00-7, QWE-T-00-15, QWE-T-00-18, QWE-T-01-15, QWE-T-02-3, QWE-T-02-4 and VZN-T-02-1 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 day of April 2002.

PAUL KJELLANDER, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Jean D. Jewell
Commission Secretary

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