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WH

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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

CASE NO. QWE-T-02-18 gdk

IN THE MATTER OF THE JOINT APPLICATION
OF QWEST CORPORATION AND NEW EDGE
NETWORKS, INC. FOR APPROVAL OF AN
INTERCONNECTION AGREEMENT PURSUANT
TO 47 U.S.C. § 252(e).

CASE NO. QWE-T-02-20 gdk

IN THE MATTER OF THE JOINT APPLICATION
OF QWEST CORPORATION AND MCIMETRO
ACCESS TRANSMISSION SERVICES LLC FOR
APPROVAL OF AN INTERCONNECTION
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).

CASE NO. QWE-T-02-22 gdk

IN THE MATTER OF THE JOINT APPLICATION
OF QWEST CORPORATION AND TIME
WARNER TELECOM OF IDAHO FOR
APPROVAL OF TWO AMENDMENTS TO AN
EXISTING WIRELINE INTERCONNECTION
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).

CASE NO. USW-T-00-14 jo

IN THE MATTER OF THE JOINT APPLICATION
OF CITIZENS TELECOMMUNICATIONS
COMPANY OF IDAHO AND V & V INC. DBA THE
LOCAL CONNECTION FOR APPROVAL OF A
RESALE WIRELINE INTERCONNECTION
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).

CASE NO. CTC-T-02-2 tk

IN THE MATTER OF THE JOINT APPLICATION
OF VERIZON AND KMC TELECOM V, INC.
FOR APPROVAL OF AN INTERCONNECTION
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).

CASE NO. VZN-T-02-10 gdk

ORDER NO. 29155

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 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

The Commission has been asked to approve these new agreements and amendments to existing interconnection agreements. These agreements are discussed in greater detail below.

1. Qwest Corporation and BasicPhone, Inc., Case No. QWE-T-02-18. In this Application, the parties request that the Commission approve an amendment to an existing agreement. This amendment adds terms and conditions for Internet Service Provider (ISP) bound traffic.
2. Qwest Corporation and New Edge Networks, Inc., Case No. QWE-T-02-20. In this Application, the parties request that the Commission approve an interconnection agreement. The filing also includes an Amendment regarding DC Power Reduction Procedure and Collocation.
3. Qwest Corporation and MCIMetro Access Transmission Services, LLC, Case No. QWE-T-02-22. In this Application, the parties request that the Commission approve an interconnection agreement. The agreement is referred to as Qwest’s Statement of Generally Available Terms for interconnection or SGAT.
4. Qwest Corporation and Time Warner Telecom of Idaho, Case No. USW-T-00-14. In this Application, the parties request that the Commission approve two amendments to an existing wireline interconnection agreement. The amendments add terms for Unbundled Dark Fiber and Direct Trunked Transport.

5. Citizens Telecommunications Company of Idaho and V & V Inc. dba The Local Connection, Case No. CTC-T-02-2. In this Application, the parties request that the Commission approve a resale wireline interconnection agreement.

6. Verizon Northwest Inc. and KMC Telecom V, Inc., Case No. VZN-T-02-10. In this Application, the parties request that the Commission approve an interconnection agreement. The parties wish to adopt the agreement between Sprint Communications Company L.P. and Verizon California, Inc. in its entirety.

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 agreements and the 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 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 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 amendment to the interconnection agreement between Qwest Corporation and BasicPhone, Inc., Case No. QWE-T-02-18, is approved.

IT IS FURTHER ORDERED that the interconnection agreement and amendment regarding DC Power Reduction Procedure and Collocation between Qwest Corporation and New Edge Networks, Inc., Case No. QWE-T-02-20, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and MCIMetro Access Transmission Services, LLC, Case No. QWE-T-02-20, is approved.

IT IS FURTHER ORDERED that the two amendments to an existing interconnection agreement between Qwest Corporation and Time Warner Telecom of Idaho, Case No. USW-T-00-14, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Citizens Communications Company of Idaho and V & V Inc. dba The Local Connection, Case No. CTC-T-02-2, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Verizon Northwest Inc. and KMC Telecom V, Inc., Case No. VZN-T-02-10, 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-02-18, QWE-T-02-20, QWE-T-02-22, USW-T-00-14, CTC-T-02-2 and VZN-T-02-10 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.

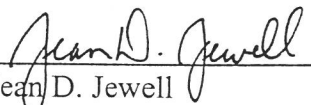
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 20th
day of November 2002.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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