

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION AND COMTEL ) CASE NO. QWE-T-02-01  
TELCOM ASSETS LP DBA VARTEC )  
TELECOM 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 COMTEL ) CASE NO. QWE-T-02-12  
TELCOM ASSETS LP DBA EXCEL )  
TELECOMMUNICATIONS 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 ) CASE NO. QWE-T-04-19  
LIGHTYEAR NETWORK SOLUTIONS, LLC )  
FOR APPROVAL OF AN AMENDMENT TO )  
A WIRELINE INTERCONNECTION )  
AGREEMENT PURSUANT TO 47 U.S.C. § )  
252(e) )**

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION AND TIME ) CASE NO. QWE-T-04-20  
WARNER TELECOM OF IDAHO LLC 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 FOR ) CASE NO. QWE-T-07-04  
APPROVAL OF AN INTERCONNECTION )  
AGREEMENT WITH PURECOM LLC ) ORDER NO. 30355  
PURSUANT TO 47 U.S.C. § 252(e) )**

In these cases the Commission is asked to approve amendments to existing and previously approved Interconnection Agreements as well as 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, 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**

1. Qwest Corporation and Comtel Telcom Assets LP dba Vartec Telcom (Case No. QWE-T-02-01). In this Application, the parties seek the Commission’s approval of an amendment to their existing interconnection agreement incorporating certain payment terms recited in the Stipulation and Order approved by the United States Bankruptcy Court for the Northern District of Texas, Dallas Division, Case No. 04-81694-HDH-11. The parties’ existing agreement was approved by the Commission on August 22, 2002.

2. Qwest Corporation and Comtel Telcom Assets LP dba Excel Telecommunications (Case No. QWE-T-02-12). In this Application, the parties seek the Commission’s approval of an amendment adding the same payment terms proposed in QWE-T-02-01 to their existing interconnection agreement. The parties’ existing agreement was approved by the Commission on August 22, 2002.

3. Qwest Corporation and Lightyear Network Solutions LLC (Case No. QWE-T-04-19). In this Application, the parties seek the Commission’s approval of an amendment incorporating the Triennial Review Order and Triennial Review Remand Order (TRO/TRRO) to

their existing interconnection agreement. The parties' existing agreement was approved by the Commission on August 2, 2004.

4. Qwest Corporation and Time Warner Telcom of Idaho LLC (Case No. QWE-T-04-20). In this Application, the parties seek the Commission's approval of an amendment adding terms, conditions and rates for DC Power Measurement to their existing interconnection agreement. The parties' existing agreement was approved by the Commission on August 2, 2004.

5. Qwest Corporation and Purecom LLC (Case No. QWE-T-07-04). In this Application, the parties seek the Commission's approval of an agreement between the parties to include certain terms and conditions regarding pricing, ancillary services and telecommunications services available for resale within a defined geographical area in which both parties are currently providing local exchange service at the same time, with Qwest acting as the incumbent local exchange carrier within the State of Idaho.

#### **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 these Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the foregoing Agreements.

#### **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 Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements should be approved. Approval of these 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 amended interconnection agreement of Qwest Corporation and Comtel Telcom Assets LP dba Vartec Telcom, Case No. QWE-T-02-01, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement of Qwest Corporation and Comtel Telcom Assets LP dba Excel Telecommunications, Case No. QWE-T-02-12, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement of Qwest Corporation and Lightyear Network Solutions LLC, Case No. QWE-T-04-19, is approved.

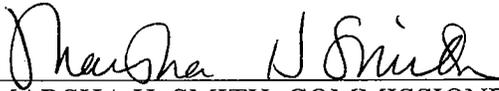
IT IS FURTHER ORDERED that the amended interconnection agreement of Qwest Corporation and Time Warner Telcom of Idaho LLC, Case No. QWE-T-04-20, is approved.

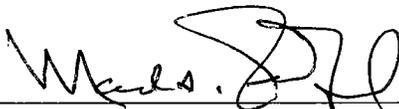
IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and Purecom LLC, Case No. QWE-T-07-04, is approved.

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 28<sup>th</sup>  
day of June 2007.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
\_\_\_\_\_  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

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