

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND AT&T) CASE NO. USW-T-96-15
COMMUNICATIONS OF THE MOUNTAIN) ATT-T-96-2
STATES, INC. FOR APPROVAL OF AN)
AMENDMENT TO AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND SPRINT) CASE NO. QWE-T-02-21
SPECTRUM LP FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON NORTHWEST INC. AND PACIFIC) CASE NO. VZN-T-02-7
BELL WIRELESS NORTHWEST, LLC DBA)
CINGULAR WIRELESS FOR APPROVAL OF AN)
AMENDMENT TO AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON NORTHWEST INC. AND CELLCO) CASE NO. GTE-T-97-13
PARTNERSHIP, VERIZON WIRELESS, IDAHO)
RSA NO. 1 LIMITED PARTNERSHIP, BOISE CITY)
MSA LIMITED PARTNERSHIP, CELLULAR, INC.)
FINANCIAL CORPORATION, COMMNET)
CELLULAR LICENSE HOLDING LLC,)
COMMNET CELLULAR, INC., IDAHO 6-CLARK)
LIMITED PARTNERSHIP DBA VERIZON)
WIRELESS FOR APPROVAL OF TWO)
AMENDMENTS TO AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND THE LOCAL) CASE NO. QWE-T-02-19
CONNECTION FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).) ORDER NO. 29163

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 of 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 new interconnection agreements and amendments to existing interconnection agreements. These matters are discussed in greater detail below.

1. Qwest and AT&T Communications of the Mountain States, Inc. (Case Nos. USW-T-96-15 and ATT-T-96-2). This is an amendment to an existing wireline interconnection agreement that adds terms for unbundled network element combinations.

2. Qwest and Sprint Spectrum LP (Case No. QWE-T-02-21). This Application involves a new Type 2 wireless agreement.

3. Verizon Northwest and Pacific Bell Wireless Northwest, LLC dba Cingular Wireless (Case No. VZN-T-02-7). This Application is for an amendment to an existing agreement that provides terms for 911 and E911 services.

4. Verizon Northwest, Inc. and Cellco Partnership, Verizon Wireless LLC, Idaho RSA No. 1 Limited Partnership, Boise City MSA Limited Partnership, Cellular, Inc. Financial Corporation, CommNet Cellular License Holding LLC, CommNet Cellular, Inc., Idaho 6-Clark Limited Partnership dba Verizon Wireless. (Case No. GTE-T-97-13). There are two Applications involving this case number, both for an amendment to the original agreement between GTE Northwest and U S WEST Newvector Group, Inc. Through a series of mergers

and other transactions Verizon Wireless is the dba successor to each of the other entities involved with this agreement with Verizon Northwest. Amendment No. 1 provides terms for 911 and E911 services. Amendment No. 2 includes provisions for reciprocal compensation in accordance with the Federal Communications Commission's Order, (FCC 01-131).

5. Qwest and The Local Connection (Case No. QWE-T-02-19). This is a new resale interconnection agreement. It includes terms and conditions similar to previously approved agreements.

STAFF ANALYSIS AND RECOMMENDATION

Staff reviewed these Applications and did not find any terms and conditions that it considers to be discriminatory or contrary to the public interest. The terms and conditions of each agreement and amendment are similar to those contained in previously approved amendments or agreements. Staff believes that the agreements and amendments are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff believes that the agreements and amendments to previously approved interconnection agreements 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. Finally, approval of these new interconnection 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 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 amendment to the interconnection agreement between Qwest Corporation and AT&T Communications of the Mountain States, Inc., Case No. USW-T-96-15 and ATT-T-96-2, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Sprint Spectrum LP, Case No. QWE-T-02-21, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Verizon Northwest Inc. and Pacific Bell Wireless Northwest, LLC dba Cingular Wireless, Case No. VZN-T-02-7, is approved.

IT IS FURTHER ORDERED that the two amendments to an interconnection agreement between Verizon Northwest Inc. and Cellco Partnership, Verizon Wireless LLC, Idaho RSA No. 1 Limited Partnership, Boise City MSA Limited Partnership, Cellular, Inc. Financial Corporation, CommNet Cellular License Holding LLC, CommNet Cellular, Inc., Idaho 6-Clark Limited Partnership dba Verizon Wireless, Case No. GTE-T-97-13, are approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and the Local Connection, Case No. QWE-T-02-19, 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. USW-T-96-15, ATT-T-96-2, QWE-T-02-21, VZN-T-02-7, GTE-T-97-13 and QWE-T-02-19 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.*

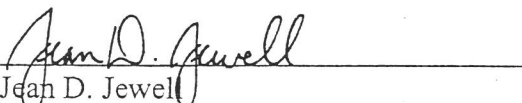
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 27th
day of November 2002.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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