

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR) CASE NO. QWE-T-02-21
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
SPRINT SPECTRUM L.P PURSUANT TO 47)
U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION AND SPRINT) CASE NO. QWE-T-04-01
COMMUNICATIONS 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-08-01
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
BANDWIDTH.COM CLEC, LLC PURSUANT) ORDER NO. 30991
TO 47 U.S.C. § 252(e))**

In these cases, the Commission is asked to approve amendments to existing and previously approved Interconnection Agreements. With this Order the Commission approves the amendments to 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 APPLICATIONS

1. Qwest Corporation and Sprint Spectrum L.P. (Case No. QWE-T-02-21). On January 15, 2010, Qwest submitted an Application seeking Commission approval of an amendment to its Interconnection Agreement with Sprint. The parties’ original Agreement was previously approved by the Commission on November 27, 2002. *See* Order No. 29163. The proposed amendment includes certain terms and conditions to accommodate Sprint’s wireless service provisions for routing unqueried 8XXX traffic. The Application states that the parties agreed to the amendment through voluntary negotiations.

2. Qwest Corporation and Sprint Communications Company L.P. (Case No. QWE-T-04-01). On January 15, 2010, Qwest submitted an Application seeking Commission approval of an amendment to its Interconnection Agreement with Sprint Communications. The parties’ original Agreement was approved by the Commission on January 13, 2004. *See* Order No. 29417. The proposed amendment adds terms and conditions to permit 8XX Third Party Carriers to route calls between the ILEC, Sprint Communications and Commercial Mobile Radio Service (CMRS) providers. The Application states that the parties agreed to the amendment through voluntary negotiations.

3. Qwest Corporation and Bandwidth.com CLEC, LLC (Case No. QWE-T-08-01). On January 15, 2010, Qwest submitted an Application seeking Commission approval of an amendment to its Interconnection Agreement with Bandwidth.com. The parties’ original Agreement was approved by the Commission on April 11, 2004. *See* Order No. 30527. The proposed amendment adds terms, conditions and rates for the exchange of Voice over Internet Protocol (“VoIP”) traffic. The Application states that the parties agreed to the amendment through voluntary negotiations.

STAFF RECOMMENDATION

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, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the

Commission approve the foregoing amendments to the previously approved Interconnection 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 Staff's recommendation, the Commission finds that the amendments to the Interconnection Agreements described herein 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 amendments does not negate the responsibility of either party 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 amendment to the Interconnection Agreement between Qwest Corporation and Sprint Spectrum L.P., Case No. QWE-T-02-21, is approved.

IT IS FURTHER ORDERED that the amendment to the Interconnection Agreement between Qwest Corporation and Sprint Communications Company L.P., Case No. QWE-T-04-01, is approved.

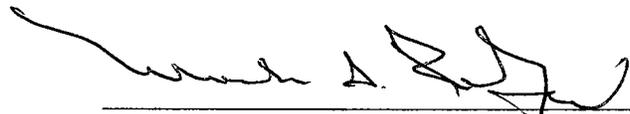
IT IS FURTHER ORDERED that the amendment to the Interconnection Agreement between Qwest Corporation and Bandwidth.com CLEC, LLC, Case No. QWE-T-08-01, is approved.

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 28th
day of January 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:QWE-T-02-21_QWE-T-04-01_QWE-T-08-01_np