

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	
APPLICATION OF QWEST CORPORATION)	CASE NO. QWE-T-04-4
AND BRIDGEBAND COMMUNICATIONS,)	
INC. FOR APPROVAL OF AN)	
INTERCONNECTION AGREEMENT)	
PURSUANT TO 47 U.S.C § 252(e))	
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IN THE MATTER OF THE APPLICATION OF)	
QWEST CORPORATION FOR APPROVAL OF)	CASE NO. QWE-T-06-7
THE INTERCONNECTION AGREEMENT)	
FOR THE STATE OF IDAHO PURSUANT TO)	
47 U.S.C § 252(e))	
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IN THE MATTER OF THE APPLICATION OF)	
CITIZENS TELECOMMUNICATIONS)	CASE NO. CTC-T-06-1
COMPANY OF IDAHO FOR APPROVAL OF)	
AN INTERCONNECTION AGREEMENT FOR)	
THE STATE OF IDAHO PURSUANT TO 47)	ORDER NO. 30025
U.S.C § 252(e))	

In these matters, the Idaho Public Utilities Commission (Commission) is asked to approve two newly-negotiated Interconnection Agreements and an amendment to a previously existing and approved Interconnection Agreement. With this Order the Commission approves the new Agreements and the amendment to the existing Agreement.

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 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 BridgeBand Communications, Inc. (Case No. QWE-T-04-4). In this filing, the parties request to amend an existing agreement approved by the Commission on March 31, 2004. The amendment incorporates the Triennial Review Order (TRO) and Triennial Review Remand Order (TRRO).

2. Qwest Corporation and Mountainland Communications, Inc. (Case No. QWE-T-06-7). In this case, the parties request Commission approval for an Application for approval of an interconnection agreement. This agreement includes terms and conditions for one-way, intraLATA/intrastate, land-to-pager trunks from Qwest’s end users to Mountainland’s interconnection point.

3. Citizens Telecommunications Company of Idaho and Granite Telecommunications, LLC (Case No. CTC-T-06-1). In this Application, the parties request Commission approval for a local interconnection agreement that includes terms and agreements, ancillary services, resale of local services and pricing.

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 Applications are consistent with the recent orders by the Federal Communications Commission and the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the Applications.

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. 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. However, approval of these Agreements does not negate the responsibility of either of the parties to each Agreement 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

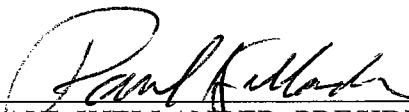
IT IS HEREBY ORDERED that the amended Interconnection Agreement of Qwest Corporation and BridgeBand Communications, LLC, Case No. QWE-T-04-4, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and Mountainland Communications, Inc., Case No. QWE-T-06-7, is approved.

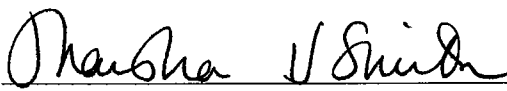
IT IS FURTHER ORDERED that the Interconnection Agreement of Citizens Telecommunications Company of Idaho and Granite Telecommunications, LLC, Case No. CTC-T-06-1, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order 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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27th
day of April 2006.



PAUL KJELLANDER, PRESIDENT

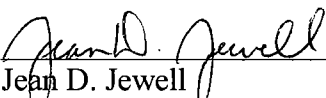


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:CTC-T-06-01_QWE-T-04-4_QWE-T-06-07_cg