

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND IDT ) CASE NO. QWE-T-04-18  
AMERICA, CORP. FOR APPROVAL OF THE )  
ADOPTION OF THE SPRINT )  
COMMUNICATIONS COMPANY AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND LIGHTYEAR ) CASE NO. QWE-T-04-19  
NETWORK SOLUTIONS, LLC FOR APPROVAL )  
OF THE ADOPTION OF THE SGAT )  
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND TIME ) CASE NO. QWE-T-04-20  
WARNER TELECOM OF IDAHO LLC FOR )  
APPROVAL OF AMENDMENTS TO AN )  
EXISTING INTERCONNECTION AGREEMENT ) ORDER NO. 29559  
PURSUANT TO 47 U.S.C. § 252(e). )**

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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 is consistent 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

Applications were filed for approval of two new interconnection agreements and amendments to an existing interconnection agreement, as identified below.

1. Qwest Corporation and IDT America, Corp. (Case No. QWE-T-04-18). In this Application the parties request that the Commission approve an interconnection agreement. IDT adopts the terms and conditions of the Sprint Communications Company interconnection agreement.

2. Qwest Corporation and Lightyear Network Solutions, LLC (Case No. QWE-T-04-19). This Application is for an interconnection agreement adopting the terms of Qwest's SGAT [Statement of Generally Available Terms] and Exhibits A through M.

3. Qwest Corporation and Time Warner Telecom of Idaho LLC (Case No. QWE-T-04-20). This is an amendment to an existing interconnection agreement adding terms and conditions for single point of presence, collocation decommission, and collocation available inventory.

## STAFF RECOMMENDATION

The Staff reviewed these Applications and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes that the new agreements and amendments to an existing interconnection agreement are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve all three applications.

## COMMISSION DECISION

Based upon our review of the Applications, the Staff's recommendation and the fact no other person or entity commented on the Applications, the Commission finds that the new agreements and amendments to a previously approved interconnection agreement are consistent with the public interest, convenience and necessity and do not discriminate against other carriers. Therefore, the Commission finds that these Applications should be approved. Approval of the new agreements and amendments to a previously approved agreement 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 from 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 agreement between Qwest Corporation and IDT America, Corp., Case No. QWE-T-04-18, is approved.

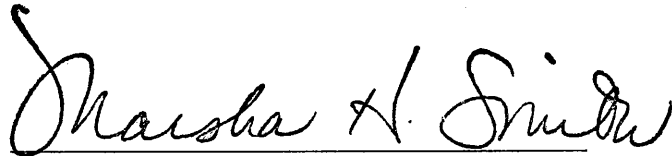
IT IS FURTHER ORDERED that the new interconnection agreement between Qwest Corporation and Lightyear Network Solutions, LLC, Case No. QWE-T-04-19, is approved.

IT IS HEREBY ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Time Warner Telecom of Idaho LLC, Case No. QWE-T-04-20, 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-04-18, QWE-T-04-19, and QWE-T-04-20 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.

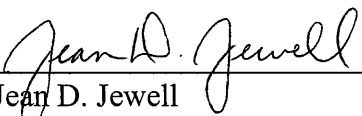
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 2<sup>nd</sup>  
day of August 2004.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

Out of the Office on This Date  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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