

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE JOINT )  
APPLICATION OF QWEST CORPORATION ) CASE NO. QWE-T-04-23  
AND QWEST COMMUNICATIONS )  
CORPORATION FOR APPROVAL OF )  
AMENDMENTS TO THEIR EXISTING )  
INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e) )**

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**IN THE MATTER OF THE APPLICATION )  
OF ALBION TELEPHONE COMPANY, INC. ) CASE NO. ALB-T-07-03  
FOR APPROVAL OF AN )  
INTERCONNECTION AGREEMENT WITH )  
NTCH-IDAHO, INC. D/B/A CLEAR TALK ) ORDER NO. 30395  
PURSUANT TO 47 U.S.C. § 252(e) )**

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In these cases the Commission is asked to approve a new Interconnection Agreement, as well as amendments to an existing and previously approved Interconnection Agreement. With this Order, the Commission approves the new Agreement and the amendments to the existing Agreement.

**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 Qwest Communications Corporation (Case No. QWE-T-04-23). In this Application, the parties seek the Commission's approval of certain amendments to their existing interconnection agreement which was approved by the Commission on October 6, 2004. The amendments were agreed upon through voluntary negotiations and add terms, conditions and rates for Collocation Available Inventory, as set forth in Exhibit A of the parties' Joint Application.

2. Albion Telephone Company, Inc. and NTCH-Idaho, Inc. d/b/a Clear Talk (Case No. ALB-T-07-03). In this Application, the parties seek the Commission's approval of a negotiated agreement establishing the traffic subject to reciprocal compensation between the Commercial Mobile Radio Service ("CMRS") network of Clear Talk and the local exchange carrier ("LEC") network of Albion as it relates to the exchange of Section 251(b)(5) traffic for two-way mobile service and as defined in 47 U.S.C. § 153(27).

### 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, Title 62 of the Idaho Code, 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 Qwest amendments and the Albion-Clear Talk Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments and the Agreement should be approved. Approval of these Applications does not negate the responsibility of either of the parties to these

Agreements to obtain a Title 62 Certificate of Public Convenience and Necessity (pursuant to Commission Order No. 26665) 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 Qwest Communications Corporation, Case No. QWE-T-04-23, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Albion Telephone Company, Inc. and NTCH-Idaho, Inc. d/b/a Clear Talk, Case No. ALB-T-07-03, is approved.

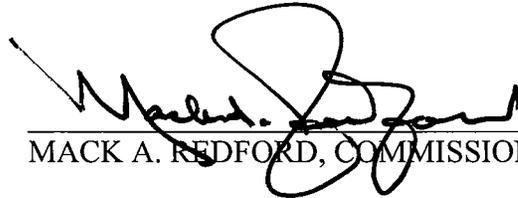
THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27<sup>th</sup> day of July 2007.



PAUL KJELLANDER, PRESIDENT

Commissioner Smith Out of the Office  
MARSHA H. SMITH, COMMISSIONER



MACK A. REDFORD, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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