

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-15
AND COMMPARTNERS LLC FOR)
APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e).)**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-19
AND DIECA COMMUNICATIONS, INC.)
DBA COVAD COMMUNICATIONS)
COMPANY FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE JOINT)
APPLICATION OF VERIZON NORTHWEST) CASE NO. VZN-T-01-11
INC. AND AT&T FOR APPROVAL OF AN)
AMENDMENT TO AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §) ORDER NO. 29889
252(e).)**

In these cases the Commission is asked to approve new agreements as well as amendments to the parties' existing Interconnection Agreements. With this Order the Commission approves the 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 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 CommPartners LLC, (Case No. QWE-T-05-15). This is an Application for a new Agreement based upon Qwest's 14 State Template and Qwest's Statement of Generally Available Terms (SGAT) for Idaho. It contains terms that are similar to other Agreements previously approved by the Commission.

2. Qwest Corporation and Dieca Communications, Inc. dba Covad Communications Company, (Case No. QWE-T-05-19). There are two Applications under this case number. The first seeks approval of a new Agreement, and the second is for an amendment to add terms to that Agreement for line splitting. The Agreement contains terms primarily taken from the SGAT that have been previously approved by the Commission. The amendment contains terms derived from a Qwest proposal in Case No. QWE-T-01-11 (Qwest UNE Cost Docket). Although the Commission has not concluded that case, the Commission has approved these terms in other interconnection agreements.

3. Verizon Northwest and AT&T, (Case No. VZN-T-01-11). This is an Application to adopt a nationwide amendment introducing new pricing by density zones for analog and digital loops. The Idaho-specific rates have only one zone, and the terms are the same as in other recently approved Verizon interconnection agreements. They represent a small increase over the original Verizon-AT&T terms.

STAFF RECOMMENDATION

The Staff has reviewed the Applications and does not find any terms or conditions to be discriminatory or contrary to the public interest. Staff believes that these Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended Commission approval of the Agreements.

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 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 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 interconnection agreement between Qwest Corporation and CommPartners LLC, Case No. QWE-T-05-15, is approved.

IT IS FURTHER ORDERED that the interconnection agreement and the amendment thereto between Qwest Corporation and Dieca Communications, Inc. dba Covad Communications Company, Case No. QWE-T-05-19, is approved.

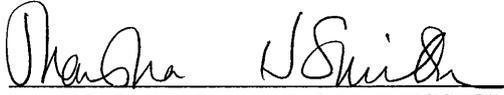
IT IS FURTHER ORDERED that the amended interconnection agreement between Verizon Northwest and AT&T, Case No. VZN-T-01-11, is approved.

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 12th
day of October 2005.



PAUL KJELLANDER, PRESIDENT

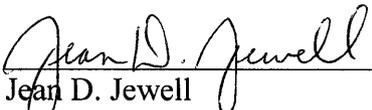


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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