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IDAHO PUBLIC
UTILITIES COMMISSION

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Boise, Idaho 83702
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November ¹¹/~~9~~, 2005

MARY S. HOBSON
Direct (208) 387-4277
mshobson@stoel.com

VIA HAND DELIVERY

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074

Re: Case No. QWE-T-05-22
**APPLICATION FOR APPROVAL OF AGREEMENT TO ADOPT TALK
AMERICA INC. AGREEMENT**

Dear Ms. Jewell:

Enclosed for filing with this Commission on behalf of Qwest Corporation is an original and three (3) copies of the **Application for Approval of Agreement to Adopt Talk America Inc. Agreement**. The Talk America Inc. Application for Approval of Agreement to Adopt SGAT was approved by this Commission on September 14, 2004, by Order #29594. Qwest respectfully requests that this matter be placed on the Commission Decision Meeting Agenda for expedited approval.

Please contact me if you have any questions concerning the enclosed. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary S. Hobson".

Mary S. Hobson

:blm

Enclosure

cc: Service List

Mary S. Hobson (ISB# 2142)
Stoel Rives LLP
101 South Capitol Boulevard – Suite 1900
Boise, ID 83702
Telephone: (208) 389-9000
Facsimile: (208) 389-9040
mshobson@stoel.com

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**APPLICATION OF QWEST
CORPORATION FOR APPROVAL OF
THE ADOPTION OF THE TALK
AMERICA INC. AGREEMENT
(APPROVED BY THE COMMISSION ON
SEPTEMBER 14, 2004 [ORDER NO.
29594], IN DOCKET NO. QWE-T-04-22)
FOR THE STATE OF IDAHO PURSUANT
TO 47 U.S.C. §252(e)**

CASE NO.: QWE-T-05-22

**APPLICATION FOR APPROVAL OF
AGREEMENT TO ADOPT TALK
AMERICA INC. AGREEMENT**

Qwest Corporation (“Qwest”) hereby files this Application for Approval of Agreement to adopt Talk America Inc. Agreement (“Agreement”). The Agreement with Pac-West Telecomm, Inc. (“Pac-West”) is submitted herewith.

This Agreement was reached through voluntary negotiations without resort to mediation or arbitration and is submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the “Act”).

Section 252(e)(2) of the Act directs that a state Commission may reject an agreement reached through voluntary negotiations only if the Commission finds that: the agreement (or portion(s) thereof) discriminates against a telecommunications carrier not a party to this agreement; or the implementation of such an agreement (or portion) is not consistent with the public interest, convenience and necessity.

Qwest respectfully submits that this Agreement provides no basis for either of these findings, and, therefore requests that the Commission approve this Agreement expeditiously. This Agreement is consistent with the public interest as identified in the pro-competitive policies

of the state of Idaho, the Commission, the United States Congress, and the Federal Communications Commission. Expeditious approval of this Agreement will enable Pac-West to interconnect with Qwest facilities and to provide customers with increased choices among local telecommunications services.

Qwest further requests that the Commission approve this Agreement without a hearing. Because this Agreement was reached through voluntary negotiations, it does not raise issues requiring a hearing and does not concern other parties who were not party to the negotiations. Expeditious approval would further the public interest.

Respectfully submitted this ^{11th} 9th day of November, 2005.

Qwest Corporation



Mary S. Hobson
Stoel Rives LLP, Attorneys for Qwest

CERTIFICATE OF SERVICE

I hereby certify that on this ^{17th} 9th day of November, 2005, I served the foregoing **APPLICATION FOR APPROVAL OF AGREEMENT TO ADOPT TALK AMERICA INC. AGREEMENT** upon all parties of record in this matter as follows:

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074
jjewell@puc.state.id.us

Hand Delivery
 U. S. Mail
 Overnight Delivery
 Facsimile
 Email

Mart McCann
Pac-West Telecomm, Inc.
1776 West March Lane – Suite 250
Stockton, Ca 95207
Telephone: (209) 926-4224

Hand Delivery
 U. S. Mail
 Overnight Delivery
 Facsimile
 Email

Brandi L. McMahon

Brandi L. McMahon, PLS
Legal Secretary to Mary S. Hobson
Stoel Rives LLP



October 18, 2005

Pac-West Telecomm, Inc.
Mart McCann, Director, Interconnection
1776 West March Lane, Suite 250
Stockton, CA 95207
209 926 4224 office

Dear Ms. Mart McCann:

We have received your request that, under Section 252(i) of the Telecommunications Act of 1996, Pac-West Telecomm, Inc. ("CLEC") wishes to adopt in its entirety, the terms of the Interconnection Agreement and any associated amendments, if applicable, (the "Underlying Agreement") between Talk America Inc., and Qwest Corporation fka U S WEST Communications, Inc. ("Qwest") that was approved by the Commission on September 14, 2004 as an effective agreement in the State of Idaho. CLEC is incorporated in the state of California. We understand you have a complete copy of the Underlying Agreement.

By their respective signatures below, Qwest and CLEC ("the Parties") intend that this letter serve as their agreement ("Letter Agreement") for CLEC to adopt the Underlying Agreement under the following terms and conditions:

1. The Parties acknowledge that Qwest believes that the Underlying Agreement no longer accurately reflects the state of the law regarding certain of Qwest's interconnection and unbundling obligations and that, accordingly, Qwest does not believe that it is obligated to allow CLEC to adopt the Underlying Agreement without a corresponding amendment that Qwest believes will bring the Underlying Agreement into compliance with current law. Qwest therefore has prepared and provided to CLEC the attached "TRO and TRRO Amendment," which Qwest believes brings the Underlying Agreement into compliance with current law. Accordingly, the Parties agree to execute and file for Commission approval the attached "TRO and TRRO Amendment" contemporaneously with this Letter Agreement, which amendment thereafter will serve as an amendment to this Letter Agreement.
2. The Parties shall request the Commission to expedite its review and approval of this Letter Agreement. This Letter Agreement shall become effective upon such approval. If for some reason the Commission rejects all or part of the Letter Agreement, including the attached TRO and TRRO Amendment, either Party may at its option declare the remainder of the Agreement void and be excused from any performance thereunder.
3. Notwithstanding the mutual commitments set forth herein, Qwest is entering into this Letter Agreement without prejudice to any positions it has taken previously, or may take in the future, in any legislative, regulatory, or other public forum addressing any matters, including those relating to the types of arrangements contained in the Underlying Agreement. During the proceeding in which the Commission is to review and approve the Letter Agreement, Qwest may point out that it has objected, and continues to object, to the inclusion of the terms and

conditions to which it objected in the proceedings involving the approval of the Underlying Agreement.

4. CLEC adopts the terms and conditions of the Underlying Agreement for interconnection with Qwest and in applying the terms and conditions, agrees that Pac-West Telecomm, Inc. be substituted in place of "Talk America Inc.," throughout the Underlying Agreement wherever the latter appears.

5. Qwest requests that notice to Qwest Corporation as may be required under the Underlying Agreement shall be provided as follows:

Qwest Corporation
Director Interconnection Agreements
1801 California Street, Room 2410
Denver, CO 80202
303-965-3029
Email – IntAgree@qwest.com

With copy to:
Qwest Corporation Law Department
Attention: General Counsel, Interconnection
1801 California Street, 10th Floor
Denver, CO 80202

CLEC requests that notice to CLEC as may be required under the Underlying Agreement shall be provided as follows:

Pac-West Telecomm, Inc.
Mart McCann, Director, Interconnection
1776 West March Lane, Suite 250
Stockton, CA 95207

209 926 4224 office
209 926 4585 fax
916 802 2124 cellular
mailto:mmccann@pacwest.com

6. CLEC represents and warrants that it is a certified provider of local dialtone service in the State of Idaho and that this Agreement will cover services in that state only.

7. Please sign all three original copies of this letter, and overnight them within sixty (60) days to:

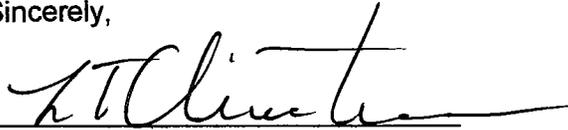
Qwest Corporation
Manager of Interconnection
1801 California St, Suite 2420
Denver, CO 80202
Phone: 303-965-3029

After sixty (60) days Qwest may rescind its willingness to consider the Agreement's terms and conditions.

8. Please note that Qwest will file this Letter Agreement with the appropriate state commission for approval; however, some state commissions will not approve the Letter Agreement until the CLEC is certified by the state commission. You may want to contact the appropriate state commission to determine the requisite filing guidelines.

Sincerely,

Date



11/7/05

Qwest Corporation
L.T. Christensen
Director – Interconnection Agreements
1801 California Street, Suite 24th Floor
Denver, Colorado 80202

I agree to all terms and conditions contained in this letter as indicated by my signature below:

Pac-West Telecomm, Inc.



Signature

Name Printed

Title

Date

10/25/2005