

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND ICG) CASE NO. QWE-T-02-3
TELECOM GROUP, INC. FOR APPROVAL OF)
AN AMENDMENT TO AN EXISTING)
WIRELINE INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND VCI) CASE NO. QWE-T-05-3
COMPANY AKA VILAIRE)
COMMUNICATIONS FOR APPROVAL OF AN)
AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND) CASE NO. QWE-T-05-5
METROPOLITAN TELECOMMUNICATIONS)
OF IDAHO, INC. FOR APPROVAL OF AN)
AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e))**

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

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND UINTAH) CASE NO. QWE-T-05-23
BASIN ELECTRONICS)
TELECOMMUNICATIONS AKA UBET)
WIRELESS FOR APPROVAL OF AN) ORDER NO. 29945
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e))**

In Case Nos. QWE-T-02-3, QWE-T-05-3, QWE-T-05-5, QWE-T-05-19 the Commission is asked to approve amendments to existing and previously approved Interconnection Agreements. In Case No. QWE-T-05-23, the Commission is asked to approve a new Interconnection Agreement. With this Order the Commission approves the amendments to Agreements and the new 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 ICG Telecom Group, Inc. (Case No. QWE-T-02-3). In this case, the parties request that the Commission approve an amendment to an existing interconnection agreement approved by the Commission on April 12, 2002. This amendment incorporates the Triennial Review Order (TRO) and the Triennial Review Remand Order (TRRO).

2. Qwest Corporation and VCI Company (Case. No. QWE-T-05-3). The Application for Approval of Amendment to the Agreement between Qwest Corporation and VCI Company was submitted on December 16, 2005 and seeks approval to amend the agreement approved by the Commission on May 5, 2005. This Application amends the original agreement by deleting and replacing Section 5.4.5.

3. Qwest Corporation and Metropolitan Telecommunications of Idaho, Inc. (Case No. QWE-T-05-5). This Application seeks approval of the Triennial Review Order (TRO) and

the Triennial Review Remand Order (TRRO) Amendment. This amendment adds terms to implement the provisions of the Federal Communications Commission's TRO and TRRO decisions.

4. Qwest Corporation and Dieca Communications, Inc. dba Covad Communications Company (Case No. QWE-T-05-19). Qwest and Covad previously filed a new interconnection agreement that simultaneously terminated the pre-existing agreement. This amendment identifies amendments to that pre-existing agreement that remain operative for their stated terms, or if not specified, the life of the new agreement.

5. Qwest Corporation and Uintah Basin Electronics Telecommunications aka UBET Wireless (Case No. QWE-T-05-23). This Application seeks approval of a new negotiated Type II wireless interconnection agreement. The terms are similar to previously approved wireless agreements.

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 pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the amendments to the Agreements in Case Nos. QWE-T-02-3, QWE-T-05-3, QWE-T-05-5 and QWE-T-05-19, and approval of the new Agreement in Case No. QWE-T-05-23.

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 amendments to the Agreements and the new Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments to the Agreements and the new Agreement should be approved. However, approval of these amendments and the new Agreement 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 amended Interconnection Agreement of Qwest Corporation and ICG Telecom Group, Inc., Case No. QWE-T-02-3, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and VCI Company, Case No. QWE-T-05-3, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and Metropolitan Telecommunications of Idaho, Inc., Case No. QWE-T-05-5, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and Dieca Communications, Inc. dba Covad Communications Company, Case No. QWE-T-05-19, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and Uintah Basin Electronics Telecommunication aka UBET Wireless, Case No. QWE-T-05-23, 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 6th
day of January 2006.



PAUL KJELLANDER, PRESIDENT

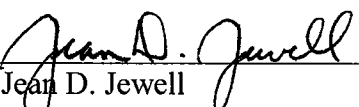


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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