

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR)
APPROVAL OF ITS INTERCONNECTION)
AGREEMENT WITH BROADVIEW)
NETWORKS, INC. PURSUANT TO 47 U.S.C.)
§ 252(e))**

CASE NO. QWE-T-10-09

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR)
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
CORDIA COMMUNICATIONS CORP.)
PURSUANT TO 47 U.S.C. § 252(e))**

CASE NO. QWE-T-06-01

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR)
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
NAVIGATOR TELECOMMUNICATIONS,)
LLC PURSUANT TO 47 U.S.C. § 252(e))**

CASE NO. QWE-T-06-03

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR)
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
QUANTUMSHIFT COMMUNICATIONS,)
DBA VCOM SOLUTIONS, PURSUANT TO 47)
U.S.C. § 252(e))**

CASE NO. QWE-T-08-09

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR)
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
CTC TELECOM, INC. PURSUANT TO 47)
U.S.C. § 252(e))**

CASE NO. QWE-T-09-14

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR)
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
LIBERTY-BELL TELECOM, LLC)
PURSUANT TO 47 U.S.C. § 252(e))**

CASE NO. QWE-T-10-06

ORDER NO. 32133

IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR) CASE NO. QWE-T-04-26
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
NORTHSTAR TELECOM, INC. PURSUANT)
TO 47 U.S.C. § 252(e))
)

In these cases the Commission is asked to approve an Interconnection Agreement between Qwest Corporation and Broadview Networks, Inc. and amendments to the previously approved Interconnection Agreements between Qwest and Cordia Communications Corp.; Qwest and Navigator Telecommunications, LLC; Qwest and QuantumShift Communications dba vCom Solutions; Qwest and CTC Telecom, Inc.; Qwest and Liberty-Bell Telecom, LLC; and Qwest and NorthStar Telecom, Inc. With this Order, the Commission approves the parties' Interconnection Agreements, including Amendments.

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 APPLICATIONS

1. Qwest Corporation and Broadview Networks, Inc., Case No. QWE-T-10-09. On November 24 2010, Qwest submitted an Application for approval of its Interconnection Agreement with Broadview. The parties' Interconnection Agreement includes terms and

conditions, pricing, ancillary services and telecommunications services available for resale within the geographical areas in which both parties are providing local exchange service and for which Qwest is the incumbent local exchange carrier (“ILEC”) within the State of Idaho.

2. Qwest Corporation and Cordia Communications Corp., Case No. QWE-T-06-01. On October 29, 2010, Qwest submitted an Application to amend its original Interconnection Agreement with Cordia, approved by the Commission on March 7, 2006. *See* Commission Order No. 29986. In this Application, the parties request that the Commission approve an Amendment to add the Qwest Local Services Platform Agreement (QLSP) to their Interconnection Agreement. According to the Application, this Amendment was reached through voluntary negotiations without resort to mediation or arbitration. This Amendment sets out rates, terms and conditions for the Companies to interconnect their facilities.

3. Qwest Corporation and Navigator Telecommunications, LLC, Case No. QWE-T-06-03. On November 4, 2010, Qwest submitted an Application to amend its Interconnection Agreement with Navigator that was approved by the Commission on March 7, 2006. *See* Order No. 29986. In this Application, the parties request that the Commission approve an amendment to include the QLSP.

4. Qwest Corporation and QuantumShift Communications dba vCom Solutions, Case No. QWE-T-08-09. On November 4, 2010, Qwest submitted an Application to amend its Interconnection Agreement with QuantumShift that was approved by the Commission on December 3, 2008. *See* Order No. 30696. In this Application, the parties request that the Commission approve an amendment to include the QLSP.

5. Qwest Corporation and CTC Telecom, Inc., Case No. QWE-T-09-14. On November 24, 2010, Qwest filed an Application seeking approval of an Amendment to its Interconnection Agreement with CTC. The original Agreement was approved by the Commission on September 3, 2009. *See* Order No. 30895. The proposed Amendment to the parties’ Interconnection Agreement would add terms and conditions for Mid-Span Meet POI, as set forth in Attachment 1 submitted with the Application. The Application states that the Agreement was reached through voluntary negotiations and without resort to mediation or arbitration.

6. Qwest Corporation and Liberty-Bell Telecom, LLC, Case No. QWE-T-10-06. On November 18, 2010, Qwest submitted an Application to amend its Interconnection Agreement

with Liberty-Bell that was approved by the Commission on October 10, 2010. *See* Order No. 32097. In this Application, the parties request that the Commission approve an amendment to include the QLSP.

7. Qwest Corporation and NorthStar Telecom, Inc., Case No. QWE-T-04-26. On October 22, 2010, Qwest submitted an Application to amend its original Interconnection Agreement with NorthStar, approved by the Commission on December 29, 2004. *See* Commission Order No. 29668. In this Application, the parties request that the Commission approve an amendment to add the QLSP to the Interconnection Agreement.

STAFF RECOMMENDATION

Staff reviewed the Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the Interconnection Agreements including Amendments.

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 Agreements and Amendments are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements and Amendments should be approved. Approval of these Agreements does not negate the responsibility of either party to this Agreement 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 Broadview Networks, Inc., Case No. QWE-T-10-09, is approved.

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and Cordia Communications Corp., Case No. QWE-T-06-01, is approved.

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and Navigator Telecommunications, LLC, Case No. QWE-T-06-03, is approved.

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and QuantumShift Communications dba vCom Solutions, Case No. QWE-T-08-09, is approved.

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and CTC Telecom, Inc., Case No. QWE-T-09-14, is approved.

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and Liberty-Bell Telecom, LLC, Case No. QWE-T-10-06, is approved.

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and NorthStar Telecom, Inc., Case No. QWE-T-04-26, 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 8th
day of December 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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