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UTILITIES COMMISSION

April 12, 2006

VIA HAND DELIVERY

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, ID 83702-5983

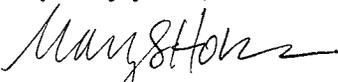
RE: Docket No. QWE-T-06-06

Dear Ms. Jewell:

Enclosed for filing with this Commission are an original and seven (7) copies of **QWEST CORPORATION'S AMENDED PETITION FOR APPROVAL OF INTERCONNECTION AGREEMENTS TO IMPLEMENT FCC RULING IN T-MOBILE ORDER** and an original and seven (7) copies of **QWEST CORPORATION'S MOTION TO DISMISS COMPLAINT (Teton Communications, Inc.; JJC, Inc.)**. The Amended Petition reflects the removal Teton Communications, Inc., and Mountainland Communications, Inc. as Respondents since those companies have executed appropriate agreements, and the substitution of Intermountain Communications of Southern Idaho Inc. for JJC, Inc. dba Intermountain Communications, because the latter was misidentified as a Respondent due to the similarity the names of the companies

If you have any questions, please contact me. Thank you for your cooperation in this matter.

Very truly yours,


Mary S. Hobson

Enclosures

cc: Service List

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PUBLIC UTILITIES COMMISSION

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Attorneys for Qwest Corporation

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

<p>QWEST CORPORATION,</p> <p>Complainant,</p> <p>v.</p> <p>Mountain Communications, Inc. dba Earl's Distributing, Inc.; Gem State Communications, Inc. dba Idaho Communications; Idaho Mobile Telephone a/k/a Idaho Phone Service, Inc. a/k/a Idaho Mobilephone a/k/a Idaho Mobile Phone service, Inc.; JJC, Inc. dba Intermountain Communications; Radio Service Company; and Teton Communications, Inc.</p> <p>Respondents</p>	<p>Docket No. QWE-T-06-06</p>
<p>AMENDED PETITION FOR APPROVAL OF INTERCONNECTION AGREEMENTS TO IMPLEMENT FCC RULING IN <i>T-MOBILE ORDER</i></p>	

Qwest Corporation, (“Qwest”) petitions the Idaho Public Utilities Commission (“Commission”) for an order pursuant to 47 USC § 252(b) approving an interconnection agreement between Qwest and each of the Respondents to implement the ruling of the Federal Communications Commission (“FCC”) in *In the Matter of Developing a Unified Inter-carrier Compensation Régime, T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, CC Docket 01-92, FCC 05-42, (Rel. Feb. 24, 2005) (the “*T-Mobile Order*”), as follows:

Parties and Jurisdiction

1. Qwest is an incumbent local exchange carrier (“ILEC”) and regional Bell operating company (“RBOC”) with its principal place of business in Denver, Colorado. Qwest is certified as a local exchange carrier in Idaho pursuant to its certificates of public convenience and necessity issued by this Commission prior to January 1, 1988.

2. Qwest seeks arbitration and approval of the Type 1 and Type 2 Paging interconnection agreement attached to its original Petition as **Exhibit B¹** with the following paging carriers:

GEM State Communications, Inc.
dba Idaho Communications
1976 Century Way
Boise, ID 83709

Idaho Mobile Telephone
a/k/a Idaho Phone Service, Inc.
a/k/a Idaho Mobilephone
a/k/a Idaho Mobile Phone Service, Inc

¹ Exhibit A to the original Petition for Approval of Interconnection Agreements is withdrawn due to the fact that none of the remaining respondents in this proceeding are wireless service providers. For ease of administration Qwest will continue to use the prior exhibit numbers to refer to the remaining exhibits.

P. O. Box 8747
Boise, ID 83707

Intermountain Communications of Southern Idaho Inc.
c/o Mickie L. Berger
115 E. 6th South
Mountain Home, ID 83814

Radio Service Company
P.O. Box 338
Burley, ID 83318

3. As required by section 252(b)(2)(B) of the Act, Qwest has delivered a copy of this Amended Petition, together with all exhibits, to each of the providers identified above.

4. This Commission has jurisdiction to arbitrate and approve these agreements with the listed carriers pursuant to section 251(b) (1) of the Act, and also pursuant to the *T-Mobile Order* and clarifying regulations adopted there under.

5. This Petition is timely filed in that Qwest initiated, then restarted, negotiations on October 11, 2005. Thus, the 160th day after Qwest restarted negotiations is March 19, 2006.

6. Pursuant to section 252(b)(4)(C) of the Act, this arbitration is to be concluded not later than nine months after the applicable request for negotiations was sent to each Respondent, which for purposes of this petition is July 11, 2006.

Background

7. The FCC has required Qwest to request and enter interconnection agreements for the termination of wireless traffic, including paging. Qwest has diligently pursued such interconnection agreement negotiations with Respondents, without response. The Respondents' failure to respond to Qwest's invitations to negotiate for an interconnection agreement is a failure

to negotiate in good faith under the federal Telecommunications Act of 1996 (the "Act"), which has forced Qwest to seek approval of the interconnection agreement attached as Exhibit B to its original Petition as the preferable alternative to discontinuing services relating to termination of wireless traffic to Respondents.

8. In the *T-Mobile Order*, the FCC clarified a preference for contractual arrangements for wireless termination arrangements by (i) prohibiting LECs from imposing compensation obligations for non-access CMRS traffic pursuant to tariff, (ii) amending its rules to clarify that a LEC may request interconnection from a CMRS provider and invoke the negotiation and arbitration procedures set forth in section 252 of the Act, and (iii) identifying state commission implemented or approved rates as the applicable interim rates once a LEC initiates the negotiation process.

9. In response to that order and the clarifying regulations (*See* 47 CFR § 20.11), Qwest implemented the interim rates approved by the *T-Mobile Order*, and initiated negotiations with Respondents by correspondence dated May 3, 2005 for paging Type 1 and Type 2 carriers. A copy of that notice is attached as **Exhibit C** to Qwest's original Petition. The notice included a proposed agreement.

10. Also in response to these orders and regulations, Qwest withdrew its tariffs, catalogs, and price lists for wireless termination service in all of its in-region states. In Idaho, Qwest filed to withdraw its catalog on January 6, 2006. That catalog provision was withdrawn by operation of law on January 16, 2006. (*See* Idaho Code § 62-606)

11. Many carriers responded to Qwest's initial request for negotiations, and Qwest has entered into and filed those agreements with the Commission.

12. Other carriers, including Respondents, did not acknowledge Qwest's initial

request for negotiations, so Qwest sent a second request for negotiations on October 11, 2005, again referencing the web address for the current version of the proposed agreement. As an accommodation to the non-responding carriers, this letter also reset the time period for negotiations, so that the window for requesting arbitration opened on February 22, 2005 (the 135th day after October 11, 2005) and will close on March 19, 2005 (the 160th day). A copy of this second notice is attached as **Exhibit D** to Qwest's original Petition.

13. Qwest also notified the Commission of its attempts to initiate negotiations on by letter dated December 2, 2005. A copy of that letter (without attachments) is attached as **Exhibit E** to Qwest's original Petition.

14. A few more carriers responded to the second notice, and Qwest is in the process of entering into and filing those agreements with the Commission.

15. Other carriers, including Respondents, did not respond to Qwest's second notice, so Qwest sent a third request for negotiations on January 13, 2006 (for paging providers) or February 2 (for wireless providers). Copies of those requests are attached to Qwest's original Petition as **Exhibit F** and **Exhibit G**, respectively. These requests for negotiations also included a reference to the website address where the current template agreement could be located.

16. Respondents still failed to respond to Qwest's requests for negotiation, so Qwest sent yet another request to wireless and paging carriers on February 21, 2006. A copy of that request is attached as **Exhibit H** to Qwest's original Petition. Again, Qwest provided Respondents with the website address for the current template agreement.

17. Qwest followed up on these email notices with telephone calls to Respondents when a contact and phone number could be identified.

18. Also, during this timeframe, Qwest conducted teleconference negotiation sessions

on November 16, 30, and December 7, 2005 for paging providers and on December 8, 2005 for wireless providers. Qwest made several changes and updated the negotiation template agreement in response to concerns raised by the providers attending those sessions.

Unresolved Issues

19. Pursuant to 47 USC § 252(a)(2)(A), a party petitioning for arbitration or approval of an interconnection agreement is ordinarily required to submit a list or matrix of unresolved issues from their negotiations. That is impractical in this case.

20. In this case, apart from Respondents' failure to respond to Qwest's many invitations for negotiations, there are no unresolved issues, precisely because of Respondents' failure to negotiate in good faith, or even at all. Thus, Qwest is not aware of any disputes or unresolved issues with respect to the proposed agreement.

Request for Arbitration and Approval Without Disputed Issues

21. Section 252 of the Act and 47 CFR § 20.11 both impose on Respondents a duty to negotiate in good faith in response to the several requests for negotiation described above. Respondents' failure even to respond during an extended negotiation window violates this duty.

22. Because of the Respondents' violation of their duty to negotiate in good faith, Qwest asks that Respondents be barred from raising any disputed issues in response to this Petition. If any Respondent is allowed to raise disputes now, the statutory duty to negotiate in good faith would be rendered meaningless, and Respondents would be allowed to subvert the entire scheme for negotiation and arbitration set up in the Act.

23. Thus, Qwest requests that the Commission approve the agreement contained in **Exhibit B** as an interconnection agreement between Qwest and the paging carriers identified in

this Amended Petition, as written, without changes or disputed issues.

24. While Qwest asks that Respondents be barred from raising any disputed issues in response to this Petition, Qwest does not ask the Commission to neglect its duties under section 252 of the Act to ensure that the agreement attached to Qwest's original Petition as **Exhibit B** meets the requirements of section 251 of the Act, including the regulations prescribed by the FCC pursuant to section 251, or any other requirements within the Commission's state law authority that are consistent with the Act and FCC regulations, as permitted under section 252(e)(3) of the Act.

25. Indeed, **Exhibits B** fully complies with sections 251 and 252 of the Act, applicable state laws and the orders of this Commission, and is consistent with the *T-Mobile Order*. The agreement is not discriminatory, and is consistent with the public interest, convenience, and necessity.

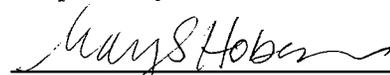
26. The *T-Mobile Order* requires Qwest to enter interconnection agreements with wireless and paging providers – and forbids the use of tariffs – to set the terms and conditions for the termination of traffic originated by these carriers. Pursuant to paragraph the *T-Mobile Order*, 47 CFR § 20.11, and 47 CFR 51.715(c), the interim arrangements for pricing have governed the exchange of traffic between Qwest and the Respondents thus far and will continue to apply during the pendency of this proceeding, but may expire with this Commission's order either approving or rejecting the proposed agreements. Thus, if the Commission will not approve the agreements, Qwest will be forced to discontinue service to Respondents until an appropriate interconnection agreement can be negotiated, approved, and filed. Qwest has taken every step possible to avoid such a drastic result, but cannot provide termination services to Respondents without an approved, filed agreement or catalog/tariff.

WHEREFORE, Qwest respectfully requests that this Commission:

1. Conduct an arbitration pursuant to section 252(b) of the Act;
2. Bar Respondents from raising disputed issues in this arbitration as a consequence of their failure to negotiate in good faith as required by the Act;
3. Find that Qwest's proposed interconnection agreement contained in **Exhibit B** is consistent with applicable law and is commercially reasonable;
4. Issue an Order adopting and approving the proposed agreement contained in **Exhibit B** as an interconnection agreement between Qwest and the paging provider Respondents identified in this Petition; and
5. Grant Qwest such other and further relief as may be necessary.

DATED this 12th day of April, 2006.

Respectfully submitted,



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Boise, ID 83702

Adam L. Sherr
Corporate Counsel, Qwest
1600 7th Avenue, Room 3206
Seattle, WA 98191

Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing **QWEST CORPORATION'S Amended Petition for Approval of Interconnection Agreements to Implement FCC Ruling in T-Mobile Order** was served on the 12th day of April, 2006 on the following individuals:

Jean D. Jewell	<input checked="" type="checkbox"/>	Hand Delivery (without exhibits)
Idaho Public Utilities Commission	<input type="checkbox"/>	U. S. Mail
472 West Washington Street	<input type="checkbox"/>	Overnight Delivery
P.O. Box 83720	<input type="checkbox"/>	Facsimile
Boise, ID 83702	<input type="checkbox"/>	Email
Telephone (208) 334-0300		
Facsimile: (208) 334-3762		
jjewell@puc.state.id.us		
Weldon Stutzman	<input checked="" type="checkbox"/>	Hand Delivery (without exhibits)
Idaho Public Utilities Commission	<input type="checkbox"/>	U. S. Mail
472 West Washington Street	<input type="checkbox"/>	Overnight Delivery
P.O. Box 83720	<input type="checkbox"/>	Facsimile
Boise, ID 83702	<input type="checkbox"/>	Email
Telephone (208) 334-0300		
Facsimile: (208) 334-3762		
GEM State Communications, Inc.	<input type="checkbox"/>	Hand Delivery
dba Idaho Communications	<input checked="" type="checkbox"/>	U. S. Mail (without exhibits)
c/o Kirby L. Ortiz	<input type="checkbox"/>	Overnight Delivery
1976 Century Way	<input type="checkbox"/>	Facsimile
Boise, ID 83709	<input type="checkbox"/>	Email
Idaho Mobile Telephone	<input type="checkbox"/>	Hand Delivery
a/k/a Idaho Phone Service, Inc.; a/k/a Idaho	<input checked="" type="checkbox"/>	U. S. Mail (without exhibits)
Mobilephone; a/k/a Idaho Mobile Phone Service	<input type="checkbox"/>	Overnight Delivery
c/o Donald Keeler	<input type="checkbox"/>	Facsimile
7478 Lemhi	<input type="checkbox"/>	Email
Boise, ID 83706		
Intermountain Communications of Southern	<input type="checkbox"/>	Hand Delivery
Idaho Inc.	<input type="checkbox"/>	U. S. Mail
c/o Mickie L. Berger	<input checked="" type="checkbox"/>	Overnight Delivery (Exhibits included)
115 E. 6 th South	<input type="checkbox"/>	Facsimile
Mountain Home, ID 83814	<input type="checkbox"/>	Email
Radio Service Company	<input type="checkbox"/>	Hand Delivery
c/o Dale D. Avery	<input checked="" type="checkbox"/>	U. S. Mail (without exhibits)
659 So. 3000	<input type="checkbox"/>	Overnight Delivery
Burley, ID 83318	<input type="checkbox"/>	Facsimile
	<input type="checkbox"/>	Email



Mary S. Hobson