

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND XO) CASE NO. QWE-T-02-2
COMMUNICATIONS SERVICES, INC. FOR)
APPROVAL OF AN AMENDMENT TO AN)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION FOR APPROVAL OF) CASE NO. QWE-T-06-8
THE ADOPTION OF THE SPRING)
SPECTRUM L.P. INTERCONNECTION)
AGREEMENT (APPROVED BY THE)
COMMISSION ON NOVEMBER 27, 2002)
[ORDER NO. 29163] IN DOCKET NO. QWE-T-)
01-21 FOR THE STATE OF IDAHO)
PURSUANT TO 47 U.S.C. § 252(e)))**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION FOR APPROVAL OF) CASE NO. QWE-T-06-9
AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION OF)
VERIZON NORTHWEST INC. AND TIME) CASE NO. VZN-T-06-5
WARNER TELECOM OF IDAHO LLC FOR)
APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §) ORDER NO. 30097
252(e))**

In these cases, the Commission is asked to approve an amendment to an existing and previously approved Interconnection Agreement, two newly negotiated Interconnection Agreements, and the adoption of an existing and previously approved Interconnection Agreement by a third party. With this Order the Commission approves the Applications.

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 XO Communications Services, Inc. (Case No. QWE-T-02-2). This Application seeks approval of an amendment setting the terms and conditions for processing of orders for coordinated installations that occur outside of normal business hours. The proposed rates are similar to those approved for similar work in other agreements previously approved by this Commission.

2. Qwest Corporation and Nextel West Corp. (Case No. QWE-T-06-8). This Application seeks approval of an agreement between Qwest and Nextel West to adopt, in its entirety, the agreement between Qwest and Sprint Spectrum LLP, previously approved by this Commission.

3. Qwest Corporation and Intermountain Communications of Southern Idaho, Inc. dba Intermountain Communications (Case No. QWE-T-06-9). This Application seeks approval of a Type 1 and Type 2 Paging Connection Service Agreement. The agreement contains terms and conditions similar to other paging agreements previously approved by this Commission.

4. Verizon Northwest Inc. and Time Warner Telecom of Idaho LLC (Case No. VZN-T-06-5). This Application seeks approval of an agreement between Verizon and Time Warner to adopt the terms of the agreement between Verizon and Verizon Avenue Corp. that has been previously approved by this Commission.

STAFF RECOMMENDATION

Staff 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 Applications.

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 Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Applications should be approved. However, approval of these Applications 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 XO Communications Services, Inc., Case No. QWE-T-02-2, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and Nextel West Corp., Case No. QWE-T-06-8, is approved.

IT IS FURTHER ORDERED that the Type 1 and Type 2 Paging Connection Agreement of Qwest Corporation and Intermountain Communications of Southern Idaho, Inc. dba Intermountain Communications, Case No. QWE-T-06-9, is approved.

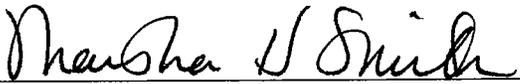
IT IS FURTHER ORDERED that the Interconnection Agreement of Verizon Northwest Inc. and Time Warner Telecom of Idaho LLC, Case No. VZN-T-06-5, is approved.

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 July 2006.



PAUL KJELLANDER, PRESIDENT

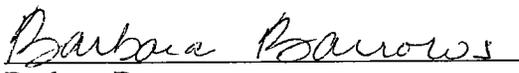


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Barbara Barrows
Assistant Commission Secretary

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