

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION FOR APPROVAL) CASE NO. QWE-T-06-11
OF THE ADOPTION OF THE TIME WARNER)
TELECOM OF IDAHO INTERCONNECTION)
AGREEMENT (APPROVED BY THE)
COMMISSION ON AUGUST 2, 2004 [ORDER)
NO. 29559] IN DOCKET NO. QWE-T-04-20)
FOR THE STATE OF IDAHO) ORDER NO. 30051
PURSUANT TO 47 U.S.C § 252(e))**

In this case, the Idaho Public Utilities Commission (Commission) is asked to approve the adoption of an existing and previously approved Interconnection Agreement. With this Order the Commission approves the adoption of the 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 APPLICATION

In this Application, Case No. QWE-T-06-11, Pacific Centrex Services, Inc. – PCS1 (“PCS1”) seeks Commission approval to adopt the Interconnection Agreement entered into between Qwest Corporation (“Qwest”) and Time Warner Telecom of Idaho. The Agreement between Time Warner Telecom of Idaho and Qwest was approved by this Commission on August 2, 2004, in Case No. QWE-T-04-20. See Order No. 29559. PCS1 and Qwest also agree

that the Interconnection Agreement will be adopted in its entirety with all terms and associated amendments, if applicable, approved by this Commission since August 2, 2004.

STAFF RECOMMENDATION

Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Application is consistent with the recent orders by the Federal Communications Commission and the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the adoption of the Agreement.

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 Application and the Staff's recommendation, the Commission finds that the Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. However, approval of this Application does not negate the responsibility of either of the parties to the 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 adoption of the Interconnection Agreement of Qwest Corporation and Time Warner Telecom of Idaho by Pacific Centrex Services, Inc. – PCS1, Case No. QWE-T-06-11, 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 26th day of May 2006.



PAUL KJELLANDER, PRESIDENT

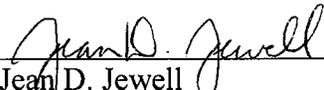


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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