

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND DSLNET ) CASE NO. USW-T-99-19  
COMMUNICATIONS, LLC FOR APPROVAL )  
OF AN AMENDMENT TO AN EXISTING )  
INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND COMTEL ) CASE NO. QWE-T-02-01  
TELCOM ASSETS LP DBA VARTEC )  
TELECOM FOR APPROVAL OF AN )  
AMENDMENT TO AN EXISTING )  
INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND COMTEL ) CASE NO. QWE-T-02-12  
TELCOM ASSETS LP DBA EXCEL )  
TELECOMMUNICATIONS FOR APPROVAL )  
OF AN AMENDMENT TO AN EXISTING )  
INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND AT&T ) CASE NO. QWE-T-04-09  
COMMUNICATIONS OF THE MOUNTAIN )  
STATES, INC. FOR APPROVAL OF AN )  
AMENDMENT TO AN EXISTING )  
INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND QWEST ) CASE NO. QWE-T-04-23  
COMMUNICATIONS CORPORATION FOR )  
APPROVAL OF AN AMENDMENT TO AN )  
EXISTING INTERCONNECTION )  
AGREEMENT PURSUANT TO 47 U.S.C. § ) ORDER NO. 30127  
252(e). )**

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**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND METROCALL, ) CASE NO. QWE-T-06-15  
INC. FOR APPROVAL OF A TYPE 1 AND )  
TYPE 2 PAGING CONNECTION SERVICE )  
AGREEMENT PURSUANT TO 47 U.S.C. § )  
252(e). )**

**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND YMAX ) CASE NO. QWE-T-06-18  
COMMUNICATIONS, INC. FOR APPROVAL )  
OF AN INTERCONNECTION SERVICE )  
AGREEMENT PURSUANT TO 47 U.S.C. § )  
252(e). )**

In these cases, the Commission is asked to approve amendments to existing and previously approved interconnection agreements, a newly negotiated Paging Connection Service Agreement, and a newly negotiated Wireline Interconnection Agreement between Qwest Corporation and various third parties. 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 DSLnet Communications, LLC (Case No. USW-T-99-19). Qwest and DSLnet submitted a joint Application for approval to amend the Interconnection Agreement, which was approved by the Commission on October 19, 1999.

The Application for approval of the amendment to the Agreement between Qwest and DSLnet states that the parties are jointly filing and that this amendment was reached through voluntary negotiations without resort to mediation. This is an amendment to incorporate the Triennial Review Order ("TRO") and the Triennial Review Remand Order ("TRRO") into the Interconnection Agreement as set forth in Attachment 1 and Exhibit A, attached and incorporated into the filing.

2. Qwest Corporation and Comtel Telecom Assets LP dba VarTec Telecom (Case No. QWE-T-02-01). This Application seeks approval of the TRO and TRRO. This amendment adds terms to implement the provisions of the FCC's TRO and TRRO decisions. The Commission has previously approved the amendment in other cases.

3. Qwest Corporation and Comtel Telecom Assets LP dba Excel Telecommunications (Case No. QWE-T-02-12). This Application seeks approval of the TRO and TRRO. This amendment adds terms to implement the provisions of the FCC's TRO and TRRO decisions. The Commission has previously approved the amendment in other cases.

4. Qwest Corporation and AT&T Communications of the Mountain States, Inc. (Case No. QWE-T-04-09). This Application seeks approval of the TRO and TRRO. This amendment adds terms to implement the provisions of the FCC's TRO and TRRO decisions. The Commission has previously approved the amendment in other cases.

5. Qwest Corporation and Qwest Communications Corporation (Case No. QWE-T-04-23). This Application seeks approval of the TRO and TRRO. This amendment adds terms to implement the provisions of the FCC's TRO and TRRO decisions. The Commission has previously approved the amendment in other cases.

6. Qwest Corporation and Metrocall, Inc. (Case No. QWE-T-06-15). This Application seeks approval of a newly negotiated 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.

7. Qwest Corporation and YMax Communications Corp. (Case No. QWE-T-06-18).

This Application seeks approval of a new agreement that follows Qwest's 14 state negotiations template. The terms are similar to those in previously approved agreements.

**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 DSLnet Communications, LLC, Case No. USW-T-99-19, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and Comtel Telecom Assets LP dba VarTec Telecom, Case No. QWE-T-02-01, is approved.

IT IS FURTHER ORDERED that the Type 1 and Type 2 Paging Connection Agreement of Qwest Corporation and Comtel Telcom Assets LP dba Excel Telecommunications, Case No. QWE-T-02-12, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and AT&T Communications of the Mountain States, Inc., Case No. QWE-T-04-09, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and Qwest Communications Corporation, Case No. QWE-T-04-23, is approved.

IT IS FURTHER ORDERED that the Paging Connection Service Agreement of Qwest Corporation and Metrocall, Inc., Case No. QWE-T-06-15, is approved.

IT IS FURTHER ORDERED that the Wireline Interconnection Agreement of Qwest Corporation and YMax Communications Corp., Case No. QWE-T-06-18, 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.

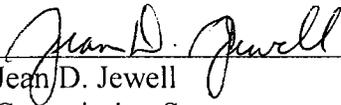
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 13<sup>th</sup>  
day of September 2006.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
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DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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