

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND MCIMETRO) CASE NO. QWE-T-06-24
ACCESS TRANSMISSION SERVICES, INC.)
FOR APPROVAL OF AN AMENDMENT TO)
AN EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. USW-T-00-10
AND IONEX COMMUNICATIONS NORTH,)
INC. FOR APPROVAL OF AN AMENDMENT)
TO AN EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF THE GEM STATE, INC.) CASE NO. CGS-T-07-01
FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT WITH)
LEVEL 3 COMMUNICATIONS, LLC)
PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF VERIZON NORTHWEST) CASE NO. VZN-T-02-06
INC. AND ONEEIGHTY NETWORKS, INC.)
FOR APPROVAL OF AN AMENDMENT TO)
AN EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e).)**

**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) ORDER NO. 30338
INTERCONNECTION 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 as well as a new interconnection agreement. With this Order the Commission approves the agreements.

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 MCImetro Access Transmission Services LLC (Case No. QWE-T-06-24). This Application seeks approval of the “TRO-TRRO” Amendment to the previously approved agreement of the parties. This Amendment implements the decisions of the Triennial Review Order (TRO) and Triennial Review Remand Order (TRRO) of the Federal Communications Commission (FCC). The Idaho Commission has previously approved this Amendment to other Qwest Agreements.

2. Qwest Corporation and Ionex Communications North, Inc. (Case No. USW-T-00-10). This Application seeks approval of the “TRO-TRRO” Amendment to the Agreement between U S WEST (now Qwest) and Ionex Communications North, Inc. (fka Advanced Communications Group and Firstel Inc.).

3. CenturyTel of the Gem State and Level 3 Communications (Case No. CGS-T-07-01). This Application seeks approval of an Agreement between the parties that would provide for interconnection and traffic exchange between them. CenturyTel indicates that the Agreement was reached through voluntary negotiations and that it has made the same terms and conditions available to other carriers.

4. Verizon and OneEighty Networks, Inc. (Case No. VZN-T-02-06). This Application seeks approval of two Amendments to the previously approved Agreement. Both

Amendments implement elements of the decisions of the FCC's TRO and TRRO Orders. Amendment No. 1 changes the availability of certain Unbundled Network Elements (UNEs) and Amendment No. 2 deals with the provision of facilities in situations in which Verizon has overbuilt an existing copper network with fiber facilities.

5. Qwest Corporation and AT&T Communications of the Mountain States (Case No. QWE-T-04-09). This Application seeks approval of an Amendment to an existing Agreement. The Amendment corrects errors to the rates in the Power Reduction section that were inadvertently included in the original Agreement.

STAFF RECOMMENDATION

The Staff has 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 these Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended Commission approval of the Agreements.

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, 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 are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements should be approved. However, approval of these Agreements 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 MCImetro Access Transmission Services LLC, Case No. QWE-T-06-24, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement of Qwest Corporation and Ionex Communications North, Inc., Case No. USW-T-00-10, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of CenturyTel of the Gem State and Level 3 Communications, Case No. CGS-T-07-01, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement of Verizon and OneEighty Networks, Inc., Case No. VZN-T-02-06, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and AT&T Communications of the Mountain States, Case No. QWE-T-04-09, 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 16th
day of June 2007.



PAUL KJELLANDER, PRESIDENT

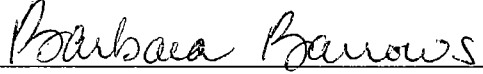


MARSHA H. SMITH, COMMISSIONER



MACK A. REDFORD, COMMISSIONER

ATTEST:



Barbara Barrows
Assistant Commission Secretary

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