

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
VERIZON NORTHWEST INC. FOR APPROVAL) CASE NO. VZN-T-07-05
OF ELTOPIA COMMUNICATIONS LLC'S)
ADOPTION OF THE INTERCONNECTION)
AGREEMENT BETWEEN NORTHWEST)
TELEPHONE, INC. AND VERIZON)
NORTHWEST INC. PURSUANT TO 47 U.S.C. §)
252(i))**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION FOR APPROVAL OF) CASE NO. QWE-T-07-11
ITS INTERCONNECTION AGREEMENT WITH)
UTILITY TELEPHONE, INC. PURSUANT TO 47)
U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND ALLTEL) CASE NO. QWE-T-00-02
COMMUNICATIONS, INC. FKA WWC)
HOLDING CO., INC. FOR APPROVAL OF AN)
AMENDMENT TO ITS INTERCONNECTION) ORDER NO. 30475
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e))**

In these consolidated cases the Commission is asked to approve the adoption of a previously approved Interconnection Agreement, a new Interconnection Agreement and an amendment to an approved Interconnection Agreement. With this Order, the Commission approves these Agreements.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements, including amendments thereto, 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. Additionally, local exchange carriers are required to “make available any interconnection, service, or network element provided . . . to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.” 47 U.S.C. § 252(i).

THE CURRENT APPLICATIONS

1. Verizon Northwest Inc. and Eltopia Communications, LLC, Case No. VZN-T-07-05. In this Application, the parties seek the Commission’s approval of Eltopia’s agreement with Verizon to adopt the Interconnection Agreement between Verizon and Northwest. Eltopia has agreed to adopt the following elements from the Verizon/Northwest Agreement: Reciprocal Compensation Termination Traffic; Resale Services; Prices for Unbundled Network Elements; Collocation Rates; and various other interconnection and wholesale rates.

2. Qwest Corporation and Utility Telephone, Inc., Case No. QWE-T-07-11. In this Application, the parties seek the Commission’s approval of their Interconnection Agreement. The parties have reached an agreement that includes terms and conditions, pricing, ancillary services and resale of telecommunications services within the state of Idaho. The parties reached their agreement through voluntary negotiations and without mediation or arbitration.

3. Qwest Corporation and Alltel Communications, Inc. fka WWC Holding Co., Inc., Case No. QWE-T-00-02. In this Application, the parties seek the Commission’s approval of an amendment to their Interconnection Agreement. The Commission approved the original Interconnection Agreement between the parties on September 26, 2000. *See* Order No. 28518. Effective August 1, 2005, Alltel acquired the entire CMRS operations of Western Wireless Corporation, including subsidiaries WWC Holding Co., Inc. and WWC License, L.L.C. Qwest states that its filing amends the Type 2 Wireless Interconnection Agreement between Qwest and Alltel and sets forth terms and conditions for Single Point of Presence in the Local Access and Transport Area (LATA), as provided for in Attachment 1 and Exhibit A of the Company’s filing. The parties agreed to the amendment through voluntary negotiations and without mediation or arbitration.

STAFF RECOMMENDATION

The Staff reviewed the Applications and did not find any terms or conditions that it considered to be discriminatory or contrary to the public interest. Staff believes that the agreements and amendments are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the aforementioned Applications.

COMMISSION DECISION

Under the terms of the Telecommunications Act, interconnection agreements, including amendments thereto, 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 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. 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

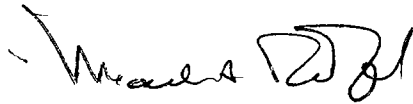
IT IS HEREBY ORDERED that Eltopia Communications, LLC's agreement to adopt the interconnection agreement between Verizon Northwest Inc. and Northwest Telephone, Inc., Case No. VZN-T-07-05, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Utility Telephone, Inc., Case No. QWE-T-07-11, is approved.

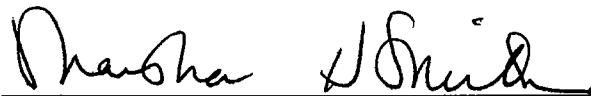
IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Alltel Communications, Inc. fka WWC Holding Co., Inc., Case No. QWE-T-00-02, is approved.

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 19th day of December 2007.



MACK A. REDFORD, PRESIDENT

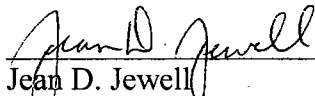


MARSHA H. SMITH, COMMISSIONER



JIM KEMPTON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:VZN-T-07-05_QWE-T-07-11_QWE-T-00-02_np