

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF VERIZON NORTHWEST INC. FKA GTE</b>	)	<b>CASE NO. GTE-T-00-6</b>
<b>NORTHWEST INCORPORATED FOR</b>	)	
<b>APPROVAL OF AN AMENDMENT TO ITS</b>	)	
<b>INTERCONNECTION AGREEMENT WITH</b>	)	
<b>NEW EDGE, INC. DBA NEW EDGE</b>	)	
<b>NETWORKS PURSUANT TO 47 U.S.C. §</b>	)	
<b>252(e)</b>	)	
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<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF QWEST CORPORATION FOR</b>	)	<b>CASE NO. QWE-T-08-05</b>
<b>APPROVAL OF AMENDMENTS TO ITS</b>	)	
<b>INTERCONNECTION AGREEMENT WITH</b>	)	
<b>XO COMMUNICATIONS SERVICES, INC.</b>	)	
<b>PURSUANT TO 47 U.S.C. § 252(e)</b>	)	<b>ORDER NO. 32048</b>
	)	

In this case the Commission is asked to approve amendments to separate Interconnection Agreements between Verizon Northwest Inc. f/k/a GTE Northwest Incorporated ("Verizon") and New Edge, Inc. dba New Edge Networks ("New Edge") and Qwest Corporation ("Qwest") and XO Communications Services, Inc. ("XO"). With this Order, the Commission approves the amendments to the parties' Interconnection 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.

### **THE APPLICATION**

1. Verizon and New Edge, Case No. GTE-T-00-6. On July 2, 2010, Verizon submitted an Application seeking Commission approval of Amendment No. 2 to Verizon’s Interconnection Agreement with New Edge, approved by the Commission on May 9, 2000. *See* Order No. 28376. Amendment No. 2 incorporates terms, conditions and pricing for unbundled network elements (UNEs), combinations of UNEs, or UNEs commingled with wholesale services.

2. Qwest and XO, Case No. QWE-T-08-05. On July 29, 2010, Qwest filed an Application seeking the Commission’s approval of an amendment to the parties’ Interconnection Agreement which was previously approved by the Commission on July 3, 2008. *See* Order No. 30589. The amendment pertains to transit traffic rates and replaces Exhibit A for Sections 7.1 and 7.2 found in the parties original Agreement. The amended Exhibit A is attached to Qwest’s filing.

### **STAFF RECOMMENDATION**

Staff reviewed the foregoing 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 amendments to the Interconnection Agreements 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 proposed amendments to the parties’ Interconnection Agreements.

### **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). However, 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 recommendations, the Commission finds that the amendments to the Agreements are consistent with the public interest,

convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments, reviewed by Staff and more fully described above, should be approved. Approval of the Agreements does not negate the responsibility of either party 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 amendment to the Interconnection Agreement between Verizon Northwest Inc. f/k/a GTE Northwest Incorporated and New Edge, Inc. dba New Edge Networks, Case No. GTE-T-00-6, is approved.

IT IS FURTHER ORDERED that the amendment to the Interconnection Agreement between Qwest Corporation and XO Communications Services, Inc., Case No. QWE-T-08-05, 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.

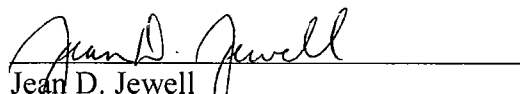
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 13<sup>th</sup>  
day of August 2010.

  
JIM D. KEMPTON, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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