

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 CURRENT APPLICATIONS

1. Verizon Northwest, Inc. and Bullseye Telecom, Inc. (Case No. VZN-T-08-02). In this Application, the parties seek the Commission’s approval of their Agreement to interconnect their facilities for the purpose of providing customers with increased choices among local telecommunications services.

2. Qwest Corporation and aardisSERVICES (Case No. QWE-T-04-05). In this Joint Application, the parties seek the Commission’s approval of amendments incorporating the Triennial Review Order (“TRO”) and the Triennial Review Remand Order (“TRRO”) into the parties’ Interconnection Agreement. The amendments delete certain Unbundled Network Elements (“UNEs”) and change terms and conditions for certain UNEs. *See* Joint Application, Attachments 1-2. The parties’ existing Interconnection Agreement was approved by the Commission on March 31, 2004.

3. Qwest Corporation and Bullseye Telecom, Inc. (Case No. QWE-T-04-30). In this Application, the parties seek the Commission’s approval of amendments pertaining to the UNE provisions included in their original Agreement along with changes to those rates, terms and conditions that relate to the negotiated UNE agreements. Other alterations include collocation terms and conditions as well as replacing definitions in the appropriate section of the Agreement.

All negotiated rates are included as Exhibit A of the filing. The parties' existing Agreement was approved by the Commission on November 23, 2004.

4. Qwest Corporation and XO Communications Services, Inc. (Case No. QWE-T-08-05). In this Application, the parties seek the Commission's approval of an Interconnection Agreement that includes terms and conditions for interconnection, pricing, ancillary services and resale telecommunications services.

5. Qwest Corporation and Eltopia Communications, LLC (Case No. QWE-T-08-06). In this Application, the parties seek the Commission's approval of an Interconnection Agreement that includes terms and conditions for interconnection, pricing, ancillary services and resale telecommunications services.

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 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 foregoing Agreements and Amendments.

COMMISSION FINDINGS

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 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. 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 Interconnection Agreement between Verizon Northwest Inc. and Bullseye Telecom, Inc., Case No. VZN-T-08-02, is approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Qwest Corporation and aardisSERVICES, Case No. QWE-T-04-05, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Qwest Corporation and Bullseye Telecom, Inc., Case No. QWE-T-04-30, are approved.

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

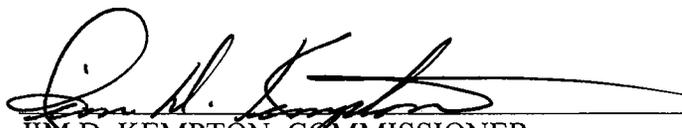
IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and Eltopia Communications, LLC, Case No. QWE-T-08-06, is approved.

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 2nd
day of July 2008.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM D. KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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