

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION FOR)	CASE NO. QWE-T-09-05
APPROVAL OF ITS INTERCONNECTION)	
AGREEMENT WITH RURAL NETWORK)	
SERVICES, INC. PURSUANT TO 47 U.S.C. §)	
252(e))	
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IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION FOR)	CASE NO. QWE-T-09-06
APPROVAL OF ITS INTERCONNECTION)	
AGREEMENT WITH NET TALK.COM, INC.)	
PURSUANT TO 47 U.S.C. § 252(e))	
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IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION FOR)	CASE NO. QWE-T-09-08
APPROVAL OF ITS INTERCONNECTION)	
AGREEMENT WITH NSW TELECOM, INC.)	
PURSUANT TO 47 U.S.C. § 252(e))	ORDER NO. 30841

In these cases the Commission is asked to approve three new Interconnection Agreements. With this Order, the Commission approves the 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 APPLICATIONS

1. Qwest Corporation and Rural Network Services, Inc., Case No. QWE-T-09-05.

On April 1, 2009, Qwest submitted an Application seeking approval of its Interconnection Agreement with Rural Network Services, Inc. (Rural). The Agreement sets forth the terms, conditions and pricing under which Qwest will provide Rural with network interconnection, access to Unbundled Network Elements, ancillary services, and telecommunications services available for resale within the geographical areas in which Qwest is providing local exchange service at that time, and for which Qwest is the incumbent local exchange carrier (ILEC) within the State of Idaho.

Upon reviewing Qwest's Application, Staff expressed some concern regarding the absence of Exhibit K, Qwest's Performance Assurance Plan (PAP), in the parties' original Interconnection Agreement. After Staff consulted with the parties and explained to Rural the significance of the PAP and how it worked in conjunction with Exhibit B, Qwest's Performance Indicator Definitions (PIDs), the parties eventually agreed to include Exhibit K (PAP) as an addendum to their Interconnection Agreement. The Application states that the parties' Agreement was reached through voluntary negotiations.

2. Qwest Corporation and NET TALK.COM, Inc., Case No. QWE-T-09-06.

On April 7, 2009, Qwest filed an Application seeking approval of its Interconnection Agreement with Net Talk. The Agreement sets forth the terms, conditions and pricing under which Qwest will provide Net Talk with network interconnection, access to Unbundled Network Elements, ancillary services, and telecommunications services available for resale within the geographical areas in which Qwest is providing local exchange service at that time, and for which Qwest is the ILEC within the State of Idaho.

Upon reviewing Qwest's Application, Staff was again concerned that Exhibit K (PAP) was absent from the parties' Agreement. After Staff consulted with the parties and explained to Net Talk the significance of the PAP and how it worked in conjunction with Exhibit B (PIDs), the parties eventually agreed to include Exhibit K as part of their Interconnection Agreement. Net Talk also requested that Exhibit B be included in all of its state filings involving Qwest. The Application states that the parties' Agreement was reached through voluntary negotiations.

Qwest Corporation and NSW Telecom, Inc., Case No. QWE-T-09-08. On May 28, 2009, Qwest filed an Application seeking approval of its Interconnection Agreement with NSW. The Agreement includes certain terms, conditions, pricing, ancillary services and telecommunications services available for resale in geographical areas within the State of Idaho where both parties simultaneously provide telecommunications service and Qwest is recognized as the ILEC. The Application states that the parties' Agreement was reached through voluntary negotiations.

STAFF RECOMMENDATION

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 the 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 foregoing 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). 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 Interconnection Agreements described herein 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 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 Interconnection Agreement between Qwest Corporation and Rural Network Services, Inc., Case No. QWE-T-09-05, is approved.

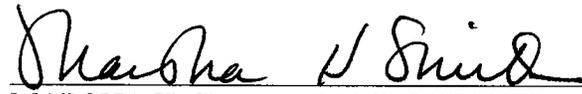
IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and NET TALK.COM, Inc., Case No. QWE-T-09-06, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and NSW Telecom, Inc., Case No. QWE-T-09-08, 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.

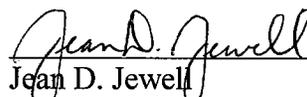
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17th day of June 2009.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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