

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
QWEST CORPORATION FOR APPROVAL OF)	CASE NO. QWE-T-09-17
AN AMENDMENT TO ITS INTERCONNECTION)	
AGREEMENT WITH ENTELEAGENT)	
SOLUTIONS PURSUANT TO 47 U.S.C. § 252(e))	
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IN THE MATTER OF THE APPLICATION OF)	
QWEST CORPORATION FOR APPROVAL OF)	CASE NO. QWE-T-05-08
AN AMENDMENT TO ITS INTERCONNECTION)	
AGREEMENT WITH PRIMETIME VENTURES,)	
LLC PURSUANT TO 47 U.S.C. § 252(e))	
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IN THE MATTER OF THE APPLICATION OF)	
CITIZENS TELECOMMUNICATIONS COMPANY)	CASE NO. CTC-T-07-05
OF IDAHO FOR APPROVAL OF AN)	
AMENDMENT TO ITS INTERCONNECTION)	
AGREEMENT WITH VERIZON WIRELESS, <i>ET</i>)	ORDER NO. 32150
AL. PURSUANT TO 47 U.S.C. § 252(e))	
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In these cases, the Commission is asked to approve Amendments to Interconnection Agreements between Qwest Corporation and Enteleagent Solutions; Qwest and PrimeTime Ventures, LLC; and Citizens Telecommunications Company of Idaho and Verizon Wireless, *et al.* 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. Qwest Corporation and Entelegent Solutions, Case No. QWE-T-09-17. On December 15, 2010, Qwest submitted an Application seeking authority to amend its Interconnection Agreement with Entelegent. The parties' original Interconnection Agreement was approved by the Commission on September 29, 2009. *See* Order No. 30911. The Agreement provides for the adoption of the Qwest Local Services Platform Agreement (QLSP). The QLSP acts as an Interconnection Agreement between the parties and sets out rates, terms and conditions for the companies to interconnect their services. Both parties request an expeditious approval process and maintain that the Agreement was reached through voluntary negotiations.

2. Qwest Corporation and PrimeTime Ventures, LLC, Case No. QWE-T-05-08. On December 15, 2010, Qwest submitted an Application seeking authority to amend its Interconnection Agreement with PrimeTime. The parties' original Interconnection Agreement was approved by the Commission on April 1, 2005. *See* Order No. 29746. The QLSP acts as an Interconnection Agreement between the parties and sets out rates, terms and conditions for the companies to interconnect their services. Both parties request an expeditious approval process and maintain that the Agreement was reached through voluntary negotiations.

3. Frontier Communications of Idaho and Verizon Wireless. Case No. CTC-T-07-05. On December 3, 2010, Frontier filed an Application seeking authority to amend its Interconnection Agreement Verizon. The parties' original Interconnection Agreement was approved by the Commission on November 26, 2007. *See* Order No. 30468. The Application states that the parties have mutually agreed to the terms and conditions for cellular and other two-way mobile radio traffic interchange for cellular and other two-way mobile radio services.

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 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 Agreements, including Amendments thereto, are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements, reviewed by Staff and more fully described above, should be approved. Approval of the Amendments to the Interconnection 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 Amendments to the Interconnection Agreement between Qwest Corporation and Entelegent Solutions, Case No. QWE-T-09-17, are approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation and PrimeTime Ventures, LLC, Case No. QWE-T-05-08, are approved.

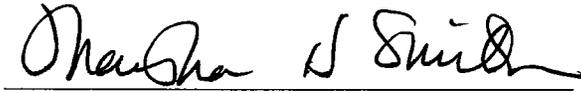
IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Citizens Telecommunications Company of Idaho and Verizon Wireless *et al.*, Case No. CTC-T-07-05, are approved.

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.

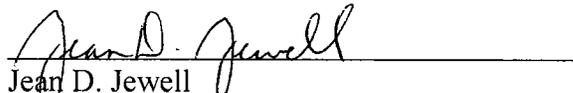
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27th day of December 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:QWE-T-09-17_QWE-T-05-08_CTC-T-07-05_np