

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION FOR)	CASE NO. QWE-T-10-07
APPROVAL OF ITS INTERCONNECTION)	
AGREEMENT WITH ALLIED WIRELESS)	
COMMUNICATIONS CORPORATION AND)	
ITS CMRS AFFILIATES 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-10-08
APPROVAL OF ITS INTERCONNECTION)	
AGREEMENT, INCLUDING AMENDMENT,)	
WITH GROUP SIX COMMUNICATIONS,)	ORDER NO. 32126
LLC PURSUANT TO 47 U.S.C. § 252(e))	

In these cases, the Commission is asked to approve an Interconnection Agreement between Qwest Corporation and Allied Wireless Communications Corporation; and an Interconnection Agreement, including amendment, between Qwest Corporation and Group Six Communications, LLC. With this Order, the Commission approves 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 APPLICATIONS

1. Qwest Corporation and Allied Wireless Communications Corporation, Case No. QWE-T-10-07. On October 20, 2010, Qwest submitted an Application for approval of a Type 2 wireless Interconnection Agreement with Allied and its CMRS Affiliates. The Agreement includes terms and conditions, pricing, ancillary services and the approval process to access Qwest's right of way, poles and innerduct within the state of Idaho.

2. Qwest Corporation and Group Six Communications, LLC, Case No. QWE-T-10-08. On October 22, 2010, Qwest submitted an Application for Approval of an Interconnection Agreement, and amendment, with Group Six. In this Application, the parties request that the Commission approve an Agreement that includes terms and conditions, pricing, ancillary services and resale of telecommunications services within the geographical areas in which both parties are providing local exchange service, and for which Qwest is the incumbent local exchange carrier within the State of Idaho. Along with the Interconnection Agreement, an amendment outlining the Qwest Local Service Platform (QLSP) was included in the Application.

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 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 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 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 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 Allied Wireless Communications Corporation, Case No. QWE-T-10-07, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement, including amendment, between Qwest Corporation and Group Six Communications, LLC, Case No. QWE-T-10-08, 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.

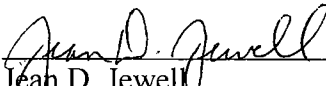
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th
day of November 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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