

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND SPRINT)
COMMUNICATIONS COMPANY, L.P. FOR)
APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)
)**

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND XO IDAHO,)
INC. FOR APPROVAL OF AN AMENDMENT TO)
AN EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)
)**

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND NEW EDGE)
NETWORKS FOR APPROVAL OF AN)
AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)
)**

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND JOSEPH B.)
McNEAL DBA PAGEDATA FOR APPROVAL OF)
AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)
)**

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND JOSEPH B.)
McNEAL DBA PAGEDATA FOR APPROVAL OF)
A PAGING CONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(i).)
)**

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND WAVESENT)
LLC FOR APPROVAL OF A PAGING)
CONNECTION AGREEMENT PURSUANT TO 47)
U.S.C. § 252(i).)
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CASE NO. SPR-T-01-1

CASE NO. QWE-T-02-2

CASE NO. QWE-T-02-20

CASE NO. QWE-T-03-5

CASE NO. QWE-T-03-6

CASE NO. QWE-T-03-7

ORDER NO. 29198

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON NORTHWEST INC. AND LEVEL 3) CASE NO. VZN-T-02-4
COMMUNICATIONS, LLC FOR APPROVAL OF)
AN AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON NORTHWEST INC. AND) CASE NO. VZN-T-03-2
BASICPHONE INC. FOR APPROVAL OF A)
RESALE AGREEMENT PURSUANT TO 47 U.S.C.)
§ 252(e).)

In these cases the Commission is asked to approve new interconnection agreements and amendments to previously approved interconnection agreements.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements 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 recently 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 provisions with Section 251(b) or (c).” Order No. 28427 at 11 (emphasis 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

The Commission has been asked to approve these new agreements and amendments to existing interconnection agreements. These agreements are discussed in greater detail below.

1. Qwest Corporation and Sprint Communications Co., L.P., Case No. SPR-T-01-1. In this Application, the parties request that the Commission approve an amendment to an existing

agreement. This amendment adds terms and conditions for CLEC to CLEC connections, CLEC to CLEC cross connections and early access.

2. Qwest Corporation and XO Idaho, Inc., Case No. QWE-T-02-2. In this Application, the parties request that the Commission approve an amendment to an existing wireline agreement to add terms of the Performance Assurance Plan.

3. Qwest Corporation and New Edge Networks, Case No. QWE-T-02-20. In this Application, the parties request that the Commission approve an amendment to an existing wireline interconnection agreement adding terms for collocation augment rates.

4. Qwest Corporation and Joseph B. McNeal dba PageData, Case No. QWE-T-03-5. In this Application, the parties request that the Commission approve a new wireless agreement in which PageData adopts an existing agreement, in its entirety, between Verizon (fka U S WEST New Vector Boise City MSA, Idaho RSA No. 2, Idaho RSA No. 3) and Qwest.

5. Qwest Corporation and Joseph B. McNeal dba PageData, Case No. QWE-T-03-6. In this Application, the parties request that the Commission approve a new paging interconnection agreement in which PageData adopts, in its entirety, the terms of the Paging Connection Agreement and associated amendments between Arch Paging, Inc. and Mobile Communications Corporation of America and Qwest Corporation.

6. Qwest Corporation and WaveSent, LLC, Case No. QWE-T-03-7. In this Application, the parties request that the Commission approve a new paging interconnection agreement in which WaveSent adopts, in its entirety, the terms of the Paging Connection Agreement and associated amendments between Arch Paging, Inc. and Mobile Communications Corporation of America and Qwest Corporation.

7. Verizon Northwest Inc. and Level 3 Communications, LLC, Case No. VZN-T-02-4. In this Application, the parties request that the Commission approve an amendment to an existing interconnection agreement adding terms for reciprocal compensation.

8. Verizon Northwest Inc. and BasicPhone, Inc., Case No. VZN-T-03-2. In this Application, the parties request that the Commission approve a new resale agreement. The terms are similar to other Verizon resale agreements.

STAFF RECOMMENDATION

The Staff reviewed the Applications and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes these new agreements and

amendments to interconnection agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff believes that the Applications merit the Commission's approval.

COMMISSION DECISION

Under the terms of the Telecommunications Act, interconnection agreements 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, the Staff's recommendation and the fact that no other person commented on these Applications, the Commission finds that the new agreements and the amendments to previously approved interconnection agreements are consistent with the public interest, convenience and necessity and do not unfairly discriminate. Therefore, the Commission finds that these Applications should be approved. Approval of these new agreements and amendments does not negate the responsibility of any of the parties to these agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or from complying 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 new agreements and amendments to interconnection agreements discussed above are approved. Terms of the agreements that are not already in effect shall be effective as of the date of this Order.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Sprint Communications Co., L.P., Case No. SPR-T-01-1, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and XO Idaho, Inc., Case No. QWE-T-02-2, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and New Edge Networks, Case No. QWE-T-02-20, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Joseph B. McNeal dba PageData, Case No. QWE-T-03-5, is approved.

IT IS FURTHER ORDERED that the paging connection agreement between Qwest Corporation and Joseph B. McNeal dba PageData, Case No. QWE-T-03-6, is approved.

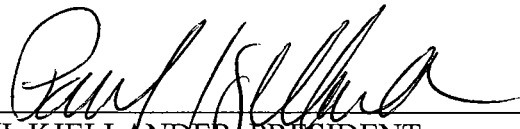
IT IS FURTHER ORDERED that the paging connection agreement between Qwest Corporation and WaveSent, LLC, Case No. QWE-T-03-7, is approved.

IT IS FURTHER ORDERED that the amendment to an existing interconnection agreement between Verizon Northwest Inc. and Level 3 Communications, LLC, Case No. VZN-T-02-4, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Verizon Northwest Inc. and BasicPhone, Inc., Case No. VZN-T-03-2, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in these Case Nos. SPR-T-01-1; QWE-T-02-2; QWE-T-02-20; QWE-T-03-5; QWE-T-03-6; QWE-T-03-7; VZN-T-02-4; and VZN-T-03-2 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in these cases. 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 21st
day of February 2003.



PAUL KJELLANDER, PRESIDENT

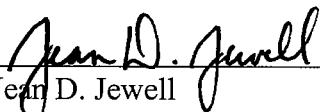


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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