

IDAHO SUPREME COURT



IDAHO COURT OF APPEALS

Clerk of the Courts
(208) 334-2210

MARCH 11, 2004

P. O. Box 83720
Boise, Idaho 83720-0101

JEAN JEWELL
COMMISSION SECRETARY
IDAHO PUBLIC UTILITIES COMM.
VIA STATEHOUSE MAIL
BOISE ID 83720

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TRANSMITTAL OF DOCUMENT

Docket No. (Res) IDAHO TELEPHONE ASSOCIATION
V.
30107 (App) QWEST CORPORATION

DC Docket #
QW-T-03-01

The enclosed DOCUMENT relating to the above-entitled case is forwarded for your information.

In the Supreme Court of the State of Idaho

IDAHO TELEPHONE ASSOCIATION,)
CITIZENS TELECOMMUNICATIONS)
COMPANY OF IDAHO, CENTURYTEL OF)
IDAHO, CENTURYTEL OF THE GEM)
STATE, POTLATCH TELEPHONE)
COMPANY and ILLUMINET, INC.,)
Complainants-Respondents,)
v.)
QWEST CORPORATION,)
Respondent-Appellant.)

ORDER APPROVING
STIPULATION FOR THE
SUBSTITUTION OF EXHIBIT
205

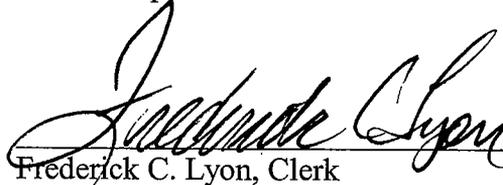
NO. 30107

A STIPULATION FOR THE SUBSTITUTION OF EXHIBIT 205 with attachment was filed by the parties March 3, 2004. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the STIPULATION FOR THE SUBSTITUTION OF EXHIBIT 205 be, and hereby is, APPROVED and the Exhibit 205 previously filed with this Court January 14, 2004 shall be returned to the Public Utilities Commission and Exhibit 205 which accompanied the Stipulation shall be substituted therefore.

DATED this 11th day of March 2004.

For the Supreme Court


Frederick C. Lyon, Clerk

cc: Counsel of Record
Secretary, Public Utilities Commission

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 Attorney for U S WEST Communications, Inc.

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 Facsimile: (360) 896-3309
 Director of Regulatory and Industry Affairs
 for Electric Lightwave, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**JOINT APPLICATION OF U S WEST)
 COMMUNICATIONS, INC., AND ELECTRIC)
 LIGHTWAVE, INC. FOR APPROVAL OF)
 LOCAL WIRELINE NETWORK INTER-)
 CONNECTION AND SERVICE RESALE)
 AGREEMENT PURSUANT TO 47 U.S.C. §252.)**

CASE NO. ELI-T-97-1
USW-T-97-20

**JOINT APPLICATION OF
 U S WEST COMMUNICATIONS, INC. AND ELECTRIC LIGHTWAVE, INC.
 FOR APPROVAL OF INTERCONNECTION AND SERVICE RESALE AGREEMENT**

Come Now, U S WEST Communications, Inc., ("U S WEST") and Electric Lightwave, Inc. ("ELI" or "Interconnector") and jointly file this Application for approval of a Local Wireline Network Interconnection and Service Resale Agreement Number SEA-970923-1602/C between

JOINT APPLICATION - 1

U S WEST and ELI, dated November 4, 1997 (the "Interconnection Agreement"), providing for ELI to resell U S WEST local exchange services in Idaho. A copy of said agreement is submitted herewith.

The Interconnection Agreement was reached through voluntary negotiations without resort to mediation or arbitration and is submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act"). Attached hereto as Appendix A to this Application is an Agreement to Adopt Arbitrated Interconnection Agreement ("Adoption Agreement") which reflects the agreement of the parties that the Interconnector has selected the terms, conditions, and prices for network interconnection, access to unbundled network elements, provision of ancillary network services, and provision of retail services available for resale, in the entire Interconnection Agreement between U S WEST and GST Telecom, Inc., which was approved by this Commission in Order No. 27040, dated July 8, 1997. The parties hereto do not seek approval of said Adoption Agreement but wish to make the Commission aware of its contents and have it included in the record of this case.

Section 252(e)(2) of the Act directs that a state Commission may reject an agreement reached through voluntary negotiations only if the Commission finds that:

- (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

ELI and U S WEST respectfully submit that the Agreement provides no basis for either of these findings, and, thus, request that the Commission approve the Agreement expeditiously. First, the Agreement does not discriminate against any other telecommunications carrier. Second, the Agreement is consistent with the public interest as identified in the pro-competitive policies of the State of Idaho, the Commission, the United States Congress, and the Federal Communications Commission. Expeditious approval of the Agreement will enable ELI to enter

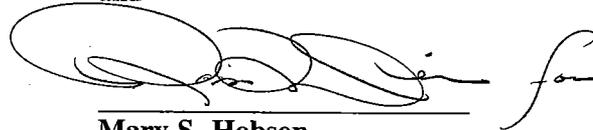
the local exchange market and provide customers with increased choices among local exchange services.

ELI and U S WEST further request that the Commission approve this Agreement without a hearing. Because this Agreement was reached through voluntary negotiations, and because it reflects the same terms, conditions and prices as an agreement previously approved by the Commission, it does not raise issues requiring a hearing and does not concern other parties not a party to the negotiations. Expeditious approval would further the public interest.

RESPECTFULLY SUBMITTED This 17th day of November, 1997.

Russ Rowe
U S WEST Communications, Inc.
1801 California St., #5100
Denver, CO 80202

and

A handwritten signature in black ink, appearing to read 'Mary S. Hobson', written over a horizontal line.

Mary S. Hobson
Stoel Rives, LLP

Attorneys Representing
U S WEST Communications, Inc.

and

Telephonically approved November 17, 1997
Timothy Peters
Electric Lightwave, Inc.

Director of Regulatory and Industry Affairs
for Electric Lightwave, Inc.

JOINT APPLICATION - 3

Agreement to Adopt Arbitrated Interconnection Agreement

This Agreement to Adopt Arbitrated Interconnection Agreement (the "Adoption Agreement") is effective as of the 5th day of November, 1997, by and between Electric Lightwave, Inc., a Delaware corporation, ("Interconnector"), a Competitive Local Exchange Carrier and U S WEST Communications, Inc., a Colorado corporation ("USWC") (collectively, "the Parties").

Recitals:

WHEREAS, Interconnector is a Telecommunications Carrier, as defined in the Telecommunications Act of 1996 (the "Act"), operating or intending to operate within the State of Idaho (the "Said State"); and

WHEREAS, the Parties desire to establish the terms, conditions, and prices for network interconnection, access to unbundled network elements, provision of ancillary network services, and provision of retail services available for resale within the Said State; and

WHEREAS, the Parties have commenced negotiations for interconnection of their networks, reciprocal compensation, resale of services, sale of unbundled network elements, and sale of ancillary network services, pursuant to the Act; and

WHEREAS, the Act has specific requirements for interconnection, network unbundling, resale of services, and sale of ancillary network services, and the Parties desire that their arrangements meet those requirements; and

WHEREAS, USWC and GST Telecom, Inc. (the "Other Carrier") have previously reached an interconnection arrangement in the Said State (the "Interconnection Agreement"), and the Idaho Public Utilities Commission (the "Commission") reviewed and approved the terms and conditions that USWC and the Other Carrier had agreed upon by its Order No. 27040, dated July 8, 1997 (the "Final Order"); and

WHEREAS, the Parties believe that the Act permits the Interconnector to select, as the terms, conditions, and prices for network interconnection, access to unbundled network elements, provision of ancillary network services, and provision of retail services available for resale, the entire arrangement that is effective with another telecommunications carrier within a particular state; and

WHEREAS, Interconnector desires to select the terms, conditions, and prices for network interconnection, access to unbundled network elements, provision of ancillary network services, and provision of retail services available for resale, in the entire Interconnection Agreement, as approved by the Final Order; and

WHEREAS, ELI filed on June 30, 1997, a complaint in the United States District Court Western District of Washington at Seattle entitled Electric Lightwave, Inc. v. U S WEST Communications, Inc. (97-1073Z) (Antitrust Litigation).

APPENDIX A