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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF    U S WEST COMMUNICATIONS, INC. FOR APPROVAL OF AN AGREEMENT FOR SERVICE RESALE PURSUANT TO 47 U.S.C.       § 2529(e). | ))))))) | CASE NO. TLI-T-97-2COMMENTS OF THECOMMISSION STAFF |

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Weldon B. Stutzman, Deputy Attorney General, and in response to the Notice of Modified Procedure issued in Order No. 27201 on October31, 1997, submits the following comments.

BACKGROUND

Tel-Link already has been granted Certificate Number 326 pursuant to the Commission’s Final Order No. 27044 on July 11, 1997 in Case No. TLI-T-97-1, Tel-Link’s application for a Certificate of Public Convenience and Necessity.  At that time, Tel-Link still lacked an interconnection agreement and provisions for escrow.  Staff has been in contact with Tel-Link concerning the escrow agreement and has agreed in principle with Tel-Link’s proposed arrangement.

In addition, Tel-Link has decided not to form separate subsidiaries for each state in which it does business, so is in the process of changing from Tel-Link of Idaho back to the original Tel-Link, LLC.  The Certificate and proceedings up to this point have been with Tel-Link of Idaho.  The proposed interconnection agreement is with Tel-Link, LLC, the Georgia parent company.

The company is making the necessary revisions to formalize this name change.

  On October 23, 1997, U S WEST Communications, Inc. (U S WEST) submitted an interconnection agreement of October 2, 1997, with Tel-Link, LLC. (Tel-Link) for approval by the Commission.  The Application indicated that this Agreement was reached through voluntary negotiations and submitted to the Commission for approval pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act).

Section 252(e) of the Act sets the guidelines for approval of interconnection agreements.  It states:

(e)APPROVAL BY STATE COMMISSION.—

(1)APPROVAL REQUIRED.—Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission.  A State Commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2)GROUNDS FOR REJECTION.—The State commission may only reject—

(A)an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—

(i)the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii)the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

47 U.S.C. § 252 (e)

STAFF INVESTIGATION

The agreement submitted by U S WEST for Tel-Link is the same as the original standard resale agreement offered by U S WEST to companies seeking to provide competitive local exchange service.  Staff compared the Tel-Link agreement with several other Agreements for Service Resale between U S WEST and new competitive local exchange carriers submitted for earlier approval (the U S WEST-Citizens Telecommunications agreement approved by the Commission in Order No. 26778 and the U S WEST-Max-Tel agreement approved in Order   No. 27176) and found the general terms and conditions to be identical in the two agreements.  The various transfer charges are the same.  Resale of various business services is at a standard 12% discount.  Residential services are not included in the discount provisions.

Staff believes the agreement does not discriminate against any telecommunications carriers not party to the agreement, and Staff has no reason to argue that implementation of the agreement is inconsistent with the public interest.

STAFF RECOMMENDATION

Staff recommends the Commission approve the interconnection agreement as filed.

DATED  at Boise, Idaho, this            day of November 1997.

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Weldon B. Stutzman

Deputy Attorney General

Technical Staff: Bill Eastlake

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