

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. QWE-T-11-06**
 APPROVAL ALLOWING BROADVOX-)
 CLEC, LLC TO ADOPT THE)
 INTERCONNECTION AGREEMENT)
 BETWEEN QWEST CORPORATION AND)
 NEUTRAL TANDEM, INC. PURSUANT TO)
 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. QWE-T-05-19**
 APPROVAL OF AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 DIECA COMMUNICATIONS, INC. DBA)
 COVAD COMMUNICATIONS COMPANY)
 PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. QWE-T-00-13**
 APPROVAL OF AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 ESCHELON TELECOM OF IDAHO, INC.)
 PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. USW-T-00-05**
 APPROVAL OF AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 INTEGRA TELECOM OF IDAHO, INC.) **ORDER NO. 32276**
 PURSUANT TO 47 U.S.C. § 252(e))

In these cases, the Commission is asked to approve amendments to existing and previously approved Interconnection Agreements. With this Order the Commission approves the amendments to the 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 Broadvox-CLEC, LLC, Case No. QWE-T-11-06. On May 20, 2011, the Commission received Qwest’s Application requesting approval for Broadvox to adopt the previously approved Interconnection Agreement between Qwest and Neutral Tandem, Inc. *See* Order No. 32008.

2. Qwest Corporation and DIECA Communications, Inc. dba Covad Communication Company, Case No. QWE-T-05-19. On April 20, 2011, the Commission received Qwest’s Application requesting authority to amend its Interconnection Agreement with DIECA. The parties’ original Agreement was approved by the Commission on October 12, 2005. *See* Order No. 29889. The current Application requests Commission approval to amend the parties’ Interconnection Agreement to add certain terms, conditions and rates for resale.

3. Qwest Corporation and Eschelon Telecom of Idaho, Inc., Case No. QWE-T-00-13. On May 24, 2011, the Commission received Qwest’s Application requesting authority to amend its Interconnection Agreement with Eschelon. The parties’ original Agreement was approved by the Commission on November 20, 2000. *See* Order No. 28570. The current Application requests Commission approval to amend the parties’ Interconnection Agreement to add certain terms and conditions relating to xDSL capable loops.

4. Qwest Corporation and Integra Telecom of Idaho, Inc., Case No. USW-T-00-05. On May 24, 2011, the Commission received Qwest’s Application requesting authority to amend its Interconnection Agreement with Integra. The parties’ original Agreement was approved by the Commission on April 28, 2000. *See* Order No. 28360. This filing adds terms and conditions relating to xDSL capable loops.

STAFF RECOMMENDATION

Staff reviewed the foregoing Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Interconnection Agreements and Amendments thereto, 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 proposed Interconnection Agreement and 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 Agreement and Amendments to the Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreement and Amendments, reviewed by Staff and more fully described above, should be approved. Approval of the Agreement and Amendments 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 Broadvox-CLEC, Inc., Case No. QWE-T-11-06, is approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc. dba Covad Communications Company, Case No. QWE-T-05-19, are approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation and Eschelon Telecom, Inc., Case No. QWE-T-00-13, are approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation and Integra Telecom of Idaho, Inc., Case No. USW-T-00-05, 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.*

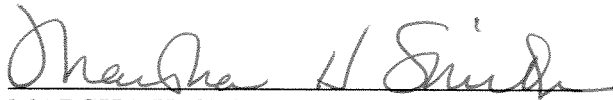
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28th day of June 2011.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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