

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND TIME ) CASE NO. USW-T-00-14  
WARNER TELECOM OF IDAHO LLC FOR )  
APPROVAL OF AN AMENDMENT TO A )  
PREVIOUSLY APPROVED INTERCONNECTION )  
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e). )

IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND ICG TELECOM ) CASE NO. QWE-T-02-3  
GROUP, INC. FOR APPROVAL OF AN )  
AMENDMENT TO A PREVIOUSLY APPROVED )  
INTERCONNECTION AGREEMENT PURSUANT )  
TO 47 U.S.C. § 252(e). )

IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND CONTACT ) CASE NO. QWE-T-03-3  
COMMUNICATIONS, INC. 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 WESTCOM ) CASE NO. QWE-T-02-23  
LLC DBA DIGITAL EASY CHAIR 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 ELECTRIC ) CASE NO. USW-T-00-21  
LIGHTWAVE, INC. FOR APPROVAL OF AN )  
AMENDMENT TO A PREVIOUSLY APPROVED )  
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-03-1  
NORVERGENCE, INC. FOR APPROVAL OF AN )  
INTERCONNECTION AGREEMENT PURSUANT )  
TO 47 U.S.C. § 252(e). )

IN THE MATTER OF THE APPLICATION OF )  
CENTURYTEL OF IDAHO, INC. AND EDGE ) CASE NO. CEN-T-02-1  
WIRELESS LLC FOR APPROVAL OF AN )  
INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). ) ORDER NO. 29186

In these cases, the Commission is asked to approve both new interconnection agreements and amendments to agreements that were previously approved by the Commission.

### **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 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 of 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 interconnection agreements and amendments to existing interconnection agreements. These agreements are discussed in greater detail below.

1. Qwest and Time Warner Telecom of Idaho LLC (Case No. USW-T-00-14). This is an amendment to an existing wireline interconnection agreement that adds terms for unbundled network element combinations.
2. Qwest and ICG Telecom Group, Inc. (Case No. QWE-T-02-3). This is an amendment to an existing wireline interconnection agreement that adds terms for unbundled network element combinations.
3. Qwest and Contact Communications, Inc. (Case No. QWE-T-03-3). This Application involves a new SGAT agreement.
4. Qwest and WestCom LLC dba Digital Easy Chair (Case No. QWE-T-02-23). This Application involves a new SGAT agreement.

5. Qwest and Electric Lightwave, Inc. (Case No. USW-T-00-21). This is an amendment to an existing wireline interconnection agreement that adds terms for collocation decommission.

6. Verizon Northwest and Norvergence, Inc. (Case No. VZN-T-03-1). This Application is for a new resale agreement. It contains terms similar to other Verizon resale agreements.

7. CenturyTel of Idaho, Inc. and Edge Wireless LLC (Case No. CEN-T-02-1). This is a new interconnection and reciprocal compensation agreement. It contains terms similar to other agreements between CenturyTel and wireless carriers.

#### **STAFF RECOMMENDATION**

The Staff has reviewed these Applications and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes that the interconnection agreements and the 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 telecommunication 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 above interconnection agreements and amendments to previously approved interconnection agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that these Applications should be approved. However, approval of these agreements and amendments to agreements does not negate the companies' responsibility 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 exchange telecommunications services as defined by *Idaho Code* § 62-603.

### ORDER

IT IS HEREBY ORDERED that the interconnection 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 an existing interconnection agreement between Qwest Corporation and Time Warner Telecom of Idaho LLC, in Case No. USW-T-00-14, is approved.

IT IS FURTHER ORDERED that the amendment to the existing interconnection agreement between Qwest Corporation and ICG Telecom Group, Inc., in Case No. QWE-T-02-3, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Contact Communications, Inc., in Case No. QWE-T-03-3, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and WestCom LLC dba Digital Easy Chair, in Case No. QWE-T-02-23, is approved.

IT IS FURTHER ORDERED that the amendment to the existing interconnection agreement between Qwest Corporation and Electric Lightwave, Inc., in Case No. USW-T-00-21, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Verizon Northwest Inc. and Norvergence, Inc., in Case No. VZN-T-03-1, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between CenturyTel of Idaho, Inc. and Edge Wireless LLC., in Case No. CEN-T-02-1, 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. USW-T-00-14, QWE-T-02-3, QWE-T-03-3, QWE-T-02-23, USW-T-00-21, VZN-T-03-1 and CEN-T-02-1 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.

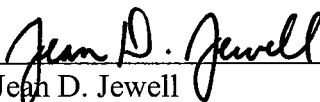
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 28<sup>th</sup>  
day of January 2003.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
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DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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