Office of the Secretary
Service Date
January 16, 2003

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT APPLICATION OF QWEST CORPORATION AND ARCH WIRELESS OPERATING COMPANY, INC. FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).	)	**CASE NO. USW-T-00-20**
IN THE MATTER OF THE JOINT APPLICATION OF QWEST CORPORATION AND PREFERRED CARRIER SERVICES, INC. FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).	)	**CASE NO. QWE-T-01-15**
IN THE MATTER OF THE JOINT APPLICATION OF QWEST CORPORATION AND CRICKET COMMUNICATIONS, INC. FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).	)	**CASE NO. QWE-T-00-20** **ORDER NO. 29178**

In these cases the Commission is asked to approve three 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 <u>not</u> 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 amendments to the Agreements are discussed in greater detail below.

1. Qwest Corporation and Arch Wireless Operating Company, Inc. (Case No. USW-T-00-20). In this Application the parties request that the Commission approve an amendment to an existing agreement. This amendment extends the agreement date and adds terms and conditions regarding Single Point of Presence.

2. Qwest Corporation and Preferred Carrier Services, Inc. (Case No. QWE-T-01-15). In this Application the parties request that the Commission approve an amendment to the existing interconnection agreement. This amendment adds terms and conditions for Unbundled Network Element (UNE) combinations.

3. Qwest Corporation and Cricket Communications, Inc. (Case No. QWE-T-00-20). In this Application the parties request that the Commission approve an amendment to an existing interconnection agreement. This amendment adds terms and conditions for collocation of facilities.

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 these amendments to previously approved 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 on the fact no other person commented on these Applications, the Commission finds that the 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 Applications 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 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 amendments to the previously approved 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 Arch Wireless Operating Company, Inc., Case No. USW-T-00-20, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Preferred Carrier Services, Inc., Case No. QWE-T-01-15, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Cricket Communications, Inc., Case No. QWE-T-00-20, 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-00-20, QWE-T-01-15 and QWE-T-00-20 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 15th day of January 2003.

PAUL KJELLANDER, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Jean D. Jewell
Commission Secretary

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