

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION AND NOS ) CASE NO. QWE-T-01-19  
COMMUNICATIONS, INC. FOR APPROVAL )  
OF AN AMENDMENT TO AN EXISTING )  
INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e) )**

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**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION AND ) CASE NO. USW-T-00-21  
ELECTRIC LIGHTWAVE, INC. FOR )  
APPROVAL OF AN AMENDMENT TO AN )  
EXISTING INTERCONNECTION )  
AGREEMENT PURSUANT TO 47 U.S.C. § ) ORDER NO. 30029  
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 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 CURRENT APPLICATIONS**

1. Qwest Corporation and NOS Communications, Inc. (Case No. QWE-T-01-19). The original Agreement was approved by the Commission on August 22, 2001. In this filing the

Companies agree to incorporate the Triennial Review Order (“TRO”) and the Triennial Review Remand Order (“TRRO”) into the Interconnection Agreement between the parties. To the extent applicable, the Agreement will eliminate certain unbundled network elements (“UNEs”) or add terms and conditions for certain UNEs as set forth in Attachment 1 and Exhibit A to this Amendment.

2. Qwest Corporation and Electric Lightwave, Inc. (Case No. USW-T-00-21). The original Agreement was approved by the Commission on October 11, 2000. With this filing the Companies agree to incorporate the Triennial Review Order (“TRO”) and the Triennial Review Remand Order (“TRRO”) into the Interconnection Agreement between the parties. To the extent applicable, the Agreement will eliminate certain unbundled network elements (“UNEs”) or add terms and conditions for certain UNEs as set forth in Attachment 1 and Exhibit A to this Amendment.

#### **STAFF RECOMMENDATION**

Staff has reviewed the Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Applications are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the Federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the amendments to the Agreements.

#### **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. 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 recommendation, the Commission finds that the Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements should be approved. However, approval of these Agreements does not negate the responsibility of either of the parties 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 amended Interconnection Agreement of Qwest Corporation and NOS Communications, Inc. Case No. QWE-T-01-19, is approved.

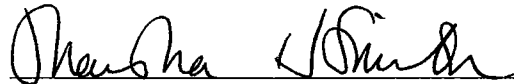
IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and Electric Lightwave, Inc., Case No. USW-T-00-21, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order 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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

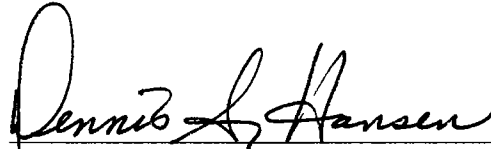
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 5<sup>th</sup> day of May 2006.



PAUL KJELLANDER, PRESIDENT

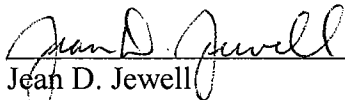


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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