

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**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, INC PURSUANT )  
TO 47 U.S.C. § 252(e) )**

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION FOR ) CASE NO. USW-T-00-21  
APPROVAL OF AN AMENDMENT TO ITS )  
INTERCONNECTION AGREEMENT WITH )  
ELECTRIC LIGHTWAVE LLC PURSUANT )  
TO 47 U.S.C. § 252(e) )**

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION FOR ) CASE NO. QWE-T-11-04  
APPROVAL OF ITS INTERCONNECTION )  
AGREEMENT WITH WIMACTEL, INC. ) ORDER NO. 32229  
PURSUANT TO 47 U.S.C. § 252(e) )**

In these cases, the Commission is asked to approve amendments to Interconnection Agreements between Qwest Corporation and Eschelon Telecom, Inc.; Qwest and Electric Lightwave, LLC; and an Interconnection Agreement between Qwest and WiMacTel, Inc. With this Order, the Commission approves the aforementioned Interconnection Agreement and Amendments to the Interconnection 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 APPLICATION**

1. Qwest Corporation and Eschelon Telecom, Inc., Case No. QWE-T-00-13. On January 18, 2011, Qwest submitted an Application for approval of amendments to its Interconnection Agreement with Eschelon. The parties' original Interconnection Agreement was approved by the Commission on November 20, 2000. *See* Commission Order No. 28570. In this Application, the parties request that the Commission allow them to adopt Qwest's Local Services Platform (QLSP) Agreement with new service conditions and rate sheets.

2. Qwest Corporation and Electric Lightwave LLC, Case No. USW-T-00-21. On April 11, 2011, the Commission received Qwest's Application requesting authority to amend its Interconnection Agreement with ELI. The parties' original Interconnection Agreement was approved by the Commission on October 11, 2000. *See* Order No. 28535. The proposed amendment would add terms and conditions relating to xDSL Cable Loops, set forth in Attachments 1-3 and Exhibit A attached to Qwest's Filing. Qwest agrees to restore Asymmetrical Digital Subscriber Line ("ADSL"), and reverse prior changes made via its Change Request.

3. Qwest Corporation and WiMacTel, Inc., Case No. QWE-T-11-04. On March 16, 2011, the Commission received Qwest's Application requesting approval of its Interconnection Agreement with WiMac. The parties' proposed Agreement includes rates, terms and conditions for the companies to interconnect their services, unbundled network elements, ancillary services, and resale of telecommunications services within Idaho.

### **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 Agreement and amendments to existing Interconnection Agreements 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 foregoing Interconnection Agreement and amendments to existing 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 recommendation, the Commission finds that the Interconnection Agreement and amendments to existing Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements, reviewed by Staff and more fully described above, should be approved. Approval of the Agreements 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 amendments to the Interconnection Agreement between Qwest Corporation and Eschelon Telecom, Inc., Case No. QWE-T-00-13, are approved.

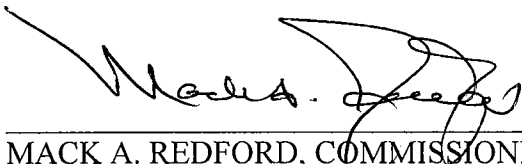
IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Qwest Corporation and Electric Lightwave, LLC, Case No. USW-T-00-21, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and WiMacTel, Inc., Case No. QWE-T-11-04, is 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 20<sup>th</sup>  
day of April 2011.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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