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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE JOINT APPLICA­TION OF ELECTRIC LIGHTWAVE, INC. AND  U S WEST COMMUNICATIONS FOR APPROVAL OF AN INTERCONNECTION AGREEMENT PURSUANT TO SECTION 252(e) OF THE TELECOMMUNICATIONS ACT OF 1996. | )  )  )  )  )  )  )  ) | CASE NO. USW-T-97-20                     ELI-T-97-1  COMMENTS OF THE  COMMISSION STAFF |

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Weldon B. Stutzman, Deputy Attorney General, and in response to the Notice of Joint Petition for Approval of Interconnection Agreement and Notice of Modified Procedure issued in Order No. 27235 on November28, 1997, submits the following comments.

On November 17, 1997, U S WEST Communica­tions, Inc. (U S WEST) and Electric Lightwave, Inc.  (ELI) filed a Joint Application for approval of their interconnection agreement arrived at through voluntary negotiations.  The agreement is a Local Wireline Network Interconnection and Service Resale Agreement, No. SEA-970923-1602\C, and is submitted for approval pursuant to 47 U.S.C. § 252(e) of the Communications Act of 1934, as amended by the

Telecommunications Act of 1996 (the Act).  The Agreement provides the terms, conditions, and prices for network interconnection, access to unbundled network elements, the provision of retail services for resale by ELI, and other interconnection issues.  ELI currently is authorized to provide nonbasic telecommunications services under Title 62, Idaho Code, but has not requested authority from the Commission to provide basic telecommunications services pursuant to Title 61, Idaho Code.  Staff has suggested to ELI that filing for a CPCN to provide Title 61 services is desirable, due to the difficulty of distinguishing between Title 61 and Title 62 business customers in marketing programs.  ELI has taken this concern under advisement.

Staff has examined the application materials submitted by USW on behalf of U S WEST Communications, Inc. and Electric Lightwave, Inc.’s joint application for approval of an interconnection and service resale agreement.

In connection with the application, two submittals are provided.  First is an Agreement to Adopt an Arbitrated Interconnection Agreement, by which ELI agrees to select the same terms, conditions, and prices for network interconnection and resale that were arrived at by USW and GST Telecom, Inc. in Idaho and approved by the Idaho Public Utilities Commission in July of 1997 (Order No. 27040).  Electric Lightwave asserts its desire to select these same terms and USW asserts its unwillingness to permit ELI to select anything less than the entire Interconnection Agreement, as approved by the Commission in the final order.

The second item submitted is an agreement for local wireline network interconnection and service resale between ELI and USW.  This agreement is asserted to be identical to that approved by this Commission for interconnection between GST and USW.  Staff has checked the text and the appendices containing actual rates and charges very carefully and determined that it is indeed identical.

STAFF RECOMMENDATION

Staff agrees with USW’s assertion that because it was reached through voluntary negotiations and because it reflects the same terms and conditions as the GST agreement previously approved by the Commission, it does not raise issues of public interest.  Staff therefore recommends Commission approval of this negotiated interconnection and resale agreement.

DATED  at Boise, Idaho, this            day of December 1997.

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Weldon B. Stutzman

Deputy Attorney General

Technical Staff: Bill Eastlake

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