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BEFORE  THE  IDAHO  PUBLIC  UTILITIES  COMMISSION

IN THE MATTER OF THE JOINT APPLICATION)

OF KNIGHT COMMUNICATIONS, INC. AND)CASE  NO.  USW-T-98-8

U S WEST COMMUNICATIONS, INC. FOR)

APPROVAL OF AN AGREEMENT FOR)

INTERCONNECTION PURSUANT TO  47 U.S.C.)COMMENTS OF THE

§ 252(e).)COMMISSION STAFF

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COMES  NOW  the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Weldon B. Stutzman, Deputy Attorney General, in response to Order

 No. 27696, the Notice of Joint Application and Notice of Modified Procedure in Case

No. USW-T-98-8 issued August 27, 1998, submits the following comments.

On August 10, 1998, U S WEST Communications, Inc. (U S WEST) and Knight Communications, Inc. (Knight), a competitive reseller of local exchange service, submitted a Joint Application for approval of an agreement for service resale in accordance with Section 252(e) of the Federal Telecommunications Act.  The companies indicated the agreement had been reached through voluntary negotiations, and claimed the agreement was consistent with the public interest, convenience and necessity.  They requested the Commission approve the agreement without a hearing or intervention by other parties.

Section 252 provides that such agreements are to be submitted to state commissions for approval.  Agreements adopted through negotiation may only be rejected if the state commission finds that:

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity:

Staff compared the language of this agreement with other service resale agreements  involving U S WEST that have previously been submitted to this Commission and finds the terms and conditions to be essentially the same as in the previously approved service resale agreements.  Staff did not find any terms or conditions that are discriminatory or preferential to either party.

Staff concurs with the Company’s claim that the agreement is consistent with the pro-competitive policies of the Commission, the Idaho Legislature, and the Telecommunications Act of 1996, and therefore is consistent with the public interest.

Staff believes Knight has not yet submitted an application for a Certificate  of Public Convenience and Necessity to this Commission.  Staff notes that until such an application is submitted and approved by this Commission, Knight could not provide local telecommunications service to any residential or small business customers.

STAFF RECOMMENDATION

Staff recommends the Commission approve the interconnection agreement as filed.

DATED  at Boise, Idaho, this            day of September 1998.

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Weldon B. Stutzman

Technical Staff:  Wayne HartDeputy Attorney General

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