(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE JOINT APPLICATION OFU S WEST COMMUNICATIONS, INC. AND CTC TELECOM, INC. FOR APPROVAL OF AN INTERCONNECTION AGREEMENT PURSUANT TO 47 U.S.C. § 252(e). | )  )  )  )  )  ) | CASE NO.  USW-T-98-9  ORDER NO.27740 |

On August 14, 1998, U S WEST Communications, Inc. and CTC Telecom, Inc. filed a Joint Application for approval of a negotiated interconnection agreement between U S WEST and CTC for the purposes of CTC interconnecting and reselling U S WEST services in Idaho.  The Joint Application stated that the agreement was reached through voluntary negotiations without resort to mediation or arbitration and was submitted for approval by the Commission pursuant to Section 252(e) of the Telecommunications Act of 1996.

Based on the record, the comments and the law, the Commission approves this interconnection agreement between U S WEST and CTC.

BACKGROUND

Under the terms of the 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 negotiation only if it finds that the agreement discriminates against a telecommunication carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity.  47 U.S.C. § 252 (e)(2)(A).  If the Commission does not act to approve or reject the agreement within 90 days after its submission, the agreement is deemed approved.  47 U.S.C. § 252 (e)(4).  The Commission’s decision is not reviewable by the state courts.  Id.

On August 26, 1998, the Commission issued a Notice of Joint Petition and a Notice of Modified Procedure.  Order No. 27684.  Only the Commission Staff filed comments during the comment period.

The Joint Application stated that the agreement will allow CTC and U S WEST to interconnect and exchange traffic between their respective end user customers.  The interconnection agreement provided for compensation for transport and termination of traffic and other issues.  In its comments, Staff noted the rates in this interconnection agreement are different from those found in other interconnection agreements.  However, Staff found that the differences were slight and were consistent with the Telecom Act.  Based on its review of this agreement and previously approved agreements, Staff found the agreement was consistent with the public interest, convenience and necessity and does not discriminate against other carriers.  Staff recommended this interconnection agreement be approved.

COMMISSION FINDINGS

Under the terms of the Telecommunications Act of 1996, 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 telecommunication carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. Id.  Based on the information filed with the Commission, the Staff’s recommendation, and on the fact no other party commented, the Commission finds that the interconnection agreement between U S WEST and CTC is consistent with the public interest, convenience and necessity and does not discriminate.  Therefore, the Commission finds this interconnection agreement should be approved.

O R D E R

IT IS HEREBY ORDERED that the interconnection agreement between U S WEST Communications, Inc. and CTC Telecom, Inc. 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 this Case No. USW-T-98-9  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 this Case No. USW-T-98-9.  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                  day of September 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

O:uswt989.cc2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 25, 1998