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

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| IN THE MATTER OF THE JOINT APPLICA­TION OF FIRSTEL, INC AND U S WEST COMMUNI­CA­TIONS FOR APPROVAL OF AN AGREE­MENT FOR INTERCONNECTION PURSUANT TO 47 U.S.C. § 252(e). | )  )  )  )  )  ) | CASE NO.  USW-T-98-10  ORDER NO.  27753 |

On August 14, 1998, U S WEST Communications, Inc. (U S WEST) and FirsTel, Inc. (FirsTel), 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.  In a separate proceeding (FTL-T-98-1), FirsTel submitted an application for a Certificate of Public Convenience and Necessity.  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.

On August 27, 1998, the Commission issued a Notice of Joint Application and Notice of Modified Procedure to process the Application.  Written comments were filed only by the Commission Staff.

Section 252 of the Telecommunications Act provides that interconnection 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 found 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 concurred with the Companies’ 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 recommended the Commission approve the interconnection agreement as filed.

Staff reviewed the agreement between the parties to determine that it is consistent with the requirements of the Telecommunications Act.  Based on the record and the recommendation of the Staff, we find that the agreement between FirsTel and U S WEST should be approved.

O R D E R

IT IS HEREBY ORDERED that the Interconnection Agreement between U S WEST Communications, Inc. and FirsTel, Inc. is approved.  Terms of the agreement that are not already in effect shall be effective as of the date of this Order.

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-98-10 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-98-10.  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

bls/O:USW-T-98-10.ws2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 28, 1998