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Attorney for the Commission Staff

BEFORE  THE  IDAHO  PUBLIC  UTILITIES  COMMISSION

IN THE MATTER OF THE JOINT APPLICATION)

OF CLARK COMMUNICATIONS, INC. AND) CASE  NO.  USW-T-98-14

U S WEST COMMUNICATIONS, INC. FOR )

APPROVAL OF AN AGREEMENT FOR)COMMENTS OF THE

INTERCONNECTION PURSUANT TO 47 U.S.C.)COMMISSION STAFF

§ 252(e).)

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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, and submits the following comments for the Commission’s consideration in Case No. USW-T-98-14.

On September 24, 1998, U S WEST Communications, Inc. (USW) and Clark Communications, Inc. (Clark), a competitive local exchange service provider, submitted a Joint Application for approval of an interconnection agreement 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 is 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 indicates 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 ANALYSIS

Staff reviewed the language of this agreement and found the terms and conditions to be almost identical to those in the agreement submitted three days earlier by U S WEST and Dakota Services, Ltd.  Some of the terms and prices contained in this agreement are essentially the same as those contained in the agreements U S WEST executed with a number companies prior to any of the decisions in the arbitration between U S WEST and AT&T, while other terms approach the arbitrated rates included in the agreement submitted jointly by U S WEST and AT&T and approved by this Commission in September of 1998.

Staff concludes that the terms or conditions in this agreement are not discriminatory.  Staff concurs 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 RECOMMENDATION

Staff recommends the Commission approve this interconnection agreement as filed.

DATED  at Boise, Idaho, this            day of October 1998.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Weldon B. Stutzman

Deputy Attorney General

Technical Staff:  Wayne Hart

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