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BEFORE  THE  IDAHO  PUBLIC  UTILITIES  COMMISSION

IN THE MATTER OF THE JOINT APPLICATION)

OF U S WEST COMMUNICATIONS, INC.) CASE  NO.  USW-T-98-21

AND NET-TEL COMMUNICATIONS)

CORPORATION FOR APPROVAL OF AN )

AGREEMENT FOR INTERCONNECTION )

PURSUANT TO 47 U.S.C.§ 252(e).)COMMENTS OF THE

)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. 27821, the Notice of Joint Application and Notice of Modified Procedure in Case

No. USW-T-98-21 issued December 8, 1998, submits the following comments.

On November 5, 1998, U S WEST Communications, Inc. (USW) and NET-Tel Communications Corporation (NET-Tel), a local exchange service reseller, 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 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 essentially identical to the service resale terms contained in the U S WEST-AT&T agreement previously approved by this Commission.

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 December 1998.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Weldon B. Stutzman

Technical Staff:  Wayne HartDeputy Attorney General

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