

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	
APPLICATION OF QWEST CORPORATION)	CASE NO. USW-T-99-3
AND COVAD COMMUNICATIONS)	
COMPANY FOR APPROVAL OF AN)	
AMENDMENT TO AN INTERCONNECTION)	
AGREEMENT PURSUANT TO 47 U.S.C. §)	
252(e))	
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IN THE MATTER OF THE JOINT)	
APPLICATION OF QWEST CORPORATION)	CASE NO. QWE-T-01-27
AND VOICESTREAM WIRELESS)	
CORPORATION FOR APPROVAL OF AN)	
AMENDMENT TO A WIRELINE)	
INTERCONNECTION AGREEMENT)	
PURSUANT TO 47 U.S.C. § 252(e))	
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IN THE MATTER OF THE JOINT)	
APPLICATION OF QWEST CORPORATION)	CASE NO. QWE-T-03-27
AND ROBERT RYDER DBA RADIO PAGING)	
SERVICE FOR APPROVAL OF AN)	
AMENDMENT TO A WIRELINE)	
INTERCONNECTION AGREEMENT)	
PURSUANT TO 47 U.S.C. § 252(e))	
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IN THE MATTER OF THE JOINT)	
APPLICATION OF QWEST CORPORATION)	CASE NO. QWE-T-04-3
AND GRANITE TELECOMMUNICATIONS)	
LLC FOR APPROVAL OF AN AMENDMENT)	
TO A WIRELINE INTERCONNECTION)	
AGREEMENT PURSUANT TO 47 U.S.C.)	ORDER NO. 29595
§252(e))	

In these cases the Commission is asked to approve amendments to existing interconnection agreements. In this Order the Commission approves the amendments.

BACKGROUND

Under the provision of the Federal 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 negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies

voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251(b) or(c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s statement that “a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

THE CURRENT APPLICATIONS

In the Applications the parties request that the Commission approve amendments to their existing interconnection agreements:

1. Qwest Corporation and Covad Communications Company (Case No. USW-T-99-03). This is an amendment to an existing agreement that provides terms and conditions for Line Sharing provided on a commercial basis. This is essentially the same amendment approved by the Commission in Order No. 29530, with the exception that this version adds provisions to include line sharing under the Performance Assurance Plan.

2. Qwest Corporation and T-Mobile USA, fka Voicestream Wireless Corporation (Case No. QWE-T-01-27). This is an amendment to an existing agreement adding terms for a Single Point of Presence (SPOP).

3. Qwest Corporation and Robert Ryder dba Radio Paging Service (Case No. QWE-T-03-27). This is an amendment to an existing interconnection agreement providing terms for transit traffic. The agreement appears to be consistent with Order No. 29555, issued by the Commission in the pager cases (SUP-T-02-1).

4. Qwest Corporation and Granite Telecommunications LLC (Case No. QWE-T-04-3). This Application seeks approval of an amendment to an existing interconnection agreement. The amendment adds terms for the implementation of a batch hot cut procedure and eliminates the Unbundled Network Element Platform (UNE-P) product, in accordance with the DC Circuit Court’s decision in *USTA v. FCC*, 359 F.3d 554 (2004).

STAFF RECOMMENDATION

The Staff has reviewed the Applications and did not find any terms and conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that these amendments are consistent with the pro-competitive policies of this Commission, the Idaho

Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that these amendments merit the Commission's approval.

COMMISSION DECISION

Under the terms of the Telecommunications Act, 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 telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.* Based upon our review of the Applications and the Staff's recommendation the Commission finds that the amendments are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments should be approved. However, approval of these amendments does not negate the responsibility of either of the parties to these agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

IT IS HEREBY ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Covad Communications Company, Case No. USW-T-99-3, is approved.

IT IS FURTHER ORDERED that the amendment of the interconnection agreement between Qwest Corporation and T-Mobile USA, fka Voicestream Wireless Corporation, Case No. QWE-T-01-27, is approved.

IT IS FURTHER ORDERED that the amendment of the interconnection agreement between Qwest Corporation and Robert Ryder dba Radio Paging Service, Case No. QWE-T-03-27, is approved.

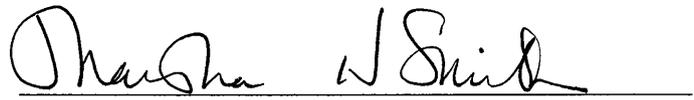
IT IS FURTHER ORDERED that the amendment of the interconnection agreement between Qwest Corporation and Granite Telecommunications LLC, Case No. QWE-T-04-3, is approved.

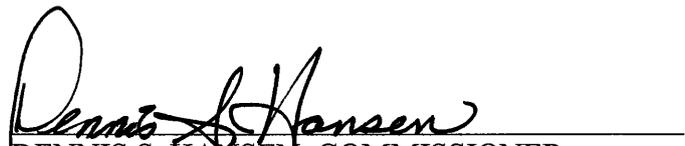
THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) issued in this Case No. USW-T-99-3, QWE-T-01-27, QWE-T-03-27 and

QWE-T-04-3 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 issued in this Case No. USW-T-99-3, QWE-T-01-27, QWE-T-03-27 and QWE-T-04-3. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 15th day of September 2004.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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