

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE JOINT APPLICATION )**  
**OF U S WEST COMMUNICATIONS, INC. AND ) CASE NO. USW-T-99-13**  
**JOSEPH B. MCNEAL DBA PAGE DATA FOR )**  
**APPROVAL OF A TYPE 1 PAGING )**  
**INTERCONNECTION AGREEMENT PURSUANT ) ORDER NO. 28139**  
**TO 47 U.S.C. §252(e). )**  
**)**

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On July 9, 1999, U S WEST Communications, Inc. and Joseph B. McNeal dba Page Data filed a Joint Application requesting approval of a Type 1 Paging Interconnection Agreement. The Joint Application states that the agreement was reached through voluntary negotiations without resort to mediation or arbitration and is submitted for approval pursuant to Section 252(e) of the Telecommunications Act of 1996.

On July 27, 1999, the Commission issued a Notice of Application and Modified Procedure. Order No. 28102. Comments were due August 17, 1999. Only Staff filed comments recommending approval.

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

**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.*

The Joint Application states that the agreement will allow Page Data to connect to U S WEST's facilities for connecting facilities and exchanging traffic. 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

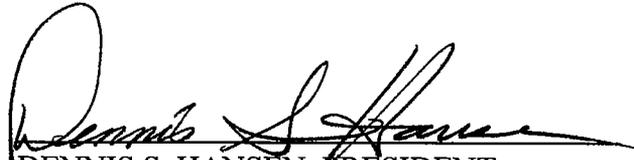
Under the terms of the Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252 (e)(1). The Commission's review is limited, however. The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates 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 Page Data and U S WEST is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds this interconnection agreement should be approved.

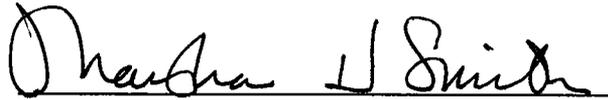
### ORDER

IT IS HEREBY ORDERED that the interconnection agreement between U S WEST Communications, Inc. and Joseph B. McNeal dba Page Data 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-99-13 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-99-13. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

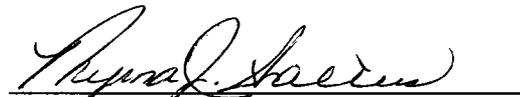
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9<sup>th</sup>  
day of September 1999.

  
DENNIS S. HANSEN, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
PAUL KJELLANDER, COMMISSIONER

ATTEST:

  
Myrna J. Walters  
Commission Secretary

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