

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
QWEST CORPORATION AND KMC DATA)	CASE NO. QWE-T-07-01
LLC FOR APPROVAL OF AN AMENDMENT)	
TO AN EXISTING INTERCONNECTION)	
AGREEMENT PURSUANT TO 47 U.S.C. §)	
252(e).)	
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IN THE MATTER OF THE APPLICATION OF)	
VERIZON NORTHWEST INC. AND)	CASE NO. VZN-T-06-08
360NETWORK (USA) INC. FOR APPROVAL)	
OF AN INTERCONNECTION AGREEMENT)	
PURSUANT TO 47 U.S.C. § 252(e).)	ORDER NO. 30285
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In these cases, the Commission is asked to approve a newly negotiated interconnection agreement and amendments to an existing and previously approved interconnection agreement. With this Order the Commission approves the Applications.

BACKGROUND

Under the provisions 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

1. Qwest Corporation and KMC Data LLC (Case No. QWE-T-07-01). This Application seeks approval of an agreement for KMC Data LLC to adopt in its entirety, the

terms of the interconnection agreement and associated amendments between 360networks (USA), Inc. and Qwest Corporation. The Qwest/360networks Agreement was approved by the Commission on March 7, 2006 in Order No. 29986.

2. Verizon Northwest Inc. and 360networks (USA) Inc. (Case No. VZN-T-06-08).

On February 26, 2007, Verizon Northwest, Inc. submitted an Application for an amended interconnection agreement with 360networks (USA) Inc. In this Application, the parties seek Commission approval to enter into an amended agreement to the Statement of Generally Accepted Terms (SGAT) dated November 1, 2004. Along with terms and conditions, the agreement contains a unitary rate for inter-carrier compensation for certain types of traffic interconnection architecture arrangements, DSO loop rates and resale discount rates.

STAFF RECOMMENDATION

Staff reviewed the Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Applications are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the Applications.

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. 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 Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Applications should be approved. However, approval of these Applications 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 Interconnection Agreement of Qwest Corporation and KMC Data, LLC, Case No. QWE-T-07-01, is approved.

IT IS FURTHER ORDERED that the amendment to the Interconnection Agreement of Verizon Northwest, Inc. and 360networks(USA) Inc., Case No. QWE-T-06-08, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order 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. 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 *28th* day of March 2007.



PAUL KJELLANDER, PRESIDENT

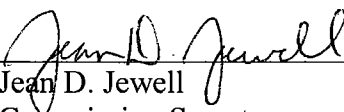


MARSHA H. SMITH, COMMISSIONER



MACK A. REDFORD, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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