

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
QWEST CORPORATION FOR APPROVAL)	CASE NO. USW-T-00-17
OF AN AMENDMENT TO ITS)	
INTERCONNECTION AGREEMENT WITH)	
AMERICAN FIBER SYSTEMS, INC.)	
PURSUANT TO 47 U.S.C. § 252(e))	
)	
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IN THE MATTER OF THE APPLICATION OF)	
VERIZON NORTHWEST INC. FOR)	CASE NO. VZN-T-08-05
APPROVAL OF ITS AGREEMENT WITH)	
QWEST COMMUNICATION CORPORATION)	
TO ADOPT THE INTERCONNECTION)	
AGREEMENT BETWEEN VERIZON)	
NORTHWEST, INC. AND COVISTA, INC.,)	ORDER NO. 30711
PURSUANT TO 47 U.S.C. § 252(e))	
)	

In these cases the Commission is asked to approve an amendment to an existing Interconnection Agreement between Qwest Corporation, f/k/a U S WEST and American Fiber Systems, Inc. f/k/a Idacomm Inc., as well as an Agreement between Verizon Northwest Inc. and Qwest Communications Corporation to adopt the Interconnection Agreement between Verizon and Covista, Inc. With this Order, the Commission approves the parties' Interconnection Agreement and Amendment.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements, including amendments thereto, 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 APPLICATIONS

1. Qwest Corporation, f/k/a U S WEST and American Fiber Systems Inc., f/k/a Idacomm Inc., Case No. USW-T-00-17.

On November 17, 2008, Qwest filed an Application to amend the parties’ existing Interconnection Agreement that was initially approved by the Commission on August 8, 2000. *See* Order No. 28463. The current Application provides for the adoption of the Qwest Local Services Platform Agreement (“QLSP”). The QLSP, as adopted by American Fiber, is a replacement of Qwest’s Statement of Generally Available Terms and Conditions (SGAT). The QLSP establishes rates, terms and conditions for interconnection and the purchase of certain network facilities. Finally, the Application states that the amendment to the parties’ Interconnection Agreement was reached through voluntary negotiations.

2. Verizon Northwest Inc. and Qwest Communications Corporation, Case No. VZN-T-08-05.

On December 5, 2008, Verizon filed an Application for approval of its Agreement with Qwest Communications Corporation (QCC) to adopt the current Interconnection Agreement between Verizon and Covista, Inc. The terms of the Verizon-Covista Agreement that QCC agrees to adopt include, but are not limited to, the following: Reciprocal Compensation Termination Traffic; Resale Services; Prices for Unbundled Network Elements; Collocation Rates; and other interconnection and wholesale rates.

STAFF RECOMMENDATION

The Staff has 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 Interconnection Agreement and Amendment to the Interconnection Agreement are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the foregoing Agreements.

COMMISSION DECISION

Under the terms of the Telecommunications Act, Interconnection agreements, including amendments thereto, 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 Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements should be approved. Approval of these Agreements does not negate the responsibility of either party 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.

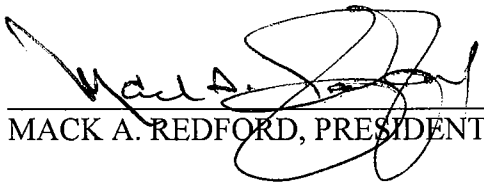
ORDER

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and American Fiber Systems, Inc., Case No. USW-T-00-17, is approved.

IT IS FURTHER ORDERED that the Agreement by Verizon Northwest, Inc. and Qwest Communications Corporation to adopt the existing Interconnection Agreement between Verizon Northwest Inc. and Covista, Inc., Case No. VZN-T-08-05, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of 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 and 62-619.

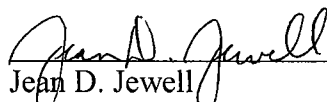
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th
day of December 2008.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM D. KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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