

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF VERIZON NORTHWEST INC. FOR) CASE NO. VZN-T-10-04
APPROVAL OF ITS INTERCONNECTION)
AGREEMENT WITH ELECTRIC)
LIGHTWAVE LLC PURSUANT TO 47 U.S.C.)
§ 252(e))**

**IN THE MATTER OF THE APPLICATION)
OF VERIZON NORTHWEST INC. FOR) CASE NO. VZN-T-10-05
APPROVAL OF ITS INTERCONNECTION)
AGREEMENT WITH TRIARCH)
MARKETING, INC. PURSUANT TO 47)
U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR) CASE NO. QWE-T-10-05
APPROVAL OF ITS INTERCONNECTION)
AGREEMENT WITH TRIARCH)
MARKETING, INC. DBA TRIARCH)
COMMUNICATIONS PURSUANT TO 47) ORDER NO. 32034
U.S.C. § 252(e))**

In these cases, the Commission is asked to approve newly negotiated Interconnection Agreements. With this Order the Commission approves the Agreements.

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 APPLICATION

1. Verizon and Electric Lightwave, LLC, Case No. VZN-T-10-04. On June 23, 2010, Verizon submitted an Application seeking Commission approval for ELI to adopt the terms and conditions of Verizon’s Interconnection Agreement with Access Point, Inc. (“API”), approved by the Commission on November 5, 2008. *See* Order No. 30669. Staff noted that ELI would adopt the following terms of the Verizon/API Agreement: Reciprocal Compensation Termination Traffic, Resale Services, Prices for Unbundled Network Elements; Collocations Rates; and various other interconnection and wholesale rates.

2. Verizon and Triarch Marketing, Inc., Case No. VZN-T-10-05. On June 23, 2010, Verizon filed an Application seeking the Commission’s approval of its Interconnection Agreement with Triarch. Staff mentioned that the parties state the Agreement was jointly entered into and provides for both companies to interconnect their facilities.

3. Qwest and Triarch Marketing, Inc. dba Triarch Communications, Case No. QWE-T-10-05. On June 2 2010, Qwest submitted an Application for Commission approval of its Interconnection Agreement with Triarch. In this Application, the parties request that the Commission approve the Letter Agreement between Qwest and Triarch to adopt, in its entirety, the terms of the Wireline Interconnection Agreement between Qwest and BLC Management, LLC dba Angles Communication Solutions, previously approved by the Commission on March 10, 2009. *See* Order No. 30741.

STAFF RECOMMENDATION

Staff reviewed the foregoing 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 Agreements 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 Interconnection 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). However, 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 recommendations, 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, reviewed by Staff and more fully described above, should be approved. Approval of the 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 Interconnection Agreement between Verizon Northwest Inc. and Electric Lightwave LLC, Case No. VZN-T-10-04, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Verizon Northwest Inc. and Triarch Marketing, Inc., Case No. VZN-T-10-05, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and Triarch Marketing, Inc. dba Triarch Communications, Case No. QWE-T-10-05, 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 9th
day of July 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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