

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF ALBION TELEPHONE COMPANY, INC. )** **CASE NO. ALB-T-07-02**  
**AND SPRINT SPECTRUM L.P. DBA SPRINT )**  
**PCS NEXTEL WEST CORPORATION NPCR, )**  
**INC. DBA NEXTEL PARTNERS FOR )** **ORDER NO. 30343**  
**APPROVAL OF AN INTERCONNECTION )**  
**AGREEMENT PURSUANT TO 47 U.S.C. § )**  
**252(e). )**  
**)**

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In this case, the Commission is asked to approve an interconnection agreement reached through voluntary negotiations. With this Order the Commission approves the Application.

**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 APPLICATION**

On May 7, 2007, Albion and Sprint submitted an Application for approval of a voluntarily negotiated interconnection agreement. The Agreement sets out rates, terms, and conditions pertaining to Reciprocal Compensation. Reciprocal Compensation is defined in the Agreement as a compensation arrangement between two carriers in which each of the two carriers receive compensation from the other for the transport and termination on each carrier’s

network facilities of telecommunications traffic that originates on the network facilities of the other carrier. See 47 C.F.R. §51.07(E).

**STAFF RECOMMENDATION**

Staff reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Agreement is 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 Application.

**COMMISSION DECISION**

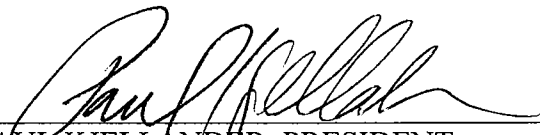
Under the terms of the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission's review is limited. The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates against 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 Application and the Staff's recommendation, the Commission finds that the Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. However, approval of this Application does not negate the responsibility of either of the parties to this Agreement 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 Albion Telephone Company, Inc. and Sprint Spectrum L.P. dba Sprint PCS Nextel West Corporation NPCR, Inc. dba Nextel Partners, Case No. ALB-T-07-02, 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.

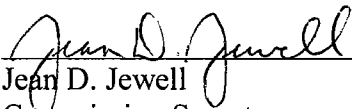
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12<sup>th</sup>  
day of June 2007.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
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MACK A. REDFORD, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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