(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.  PETITION FOR ARBITRA­TION PURSUANT TO SECTION 252(b) OF THE TELECOMMUNICATIONS ACT OF 1996 OF THE RATES, TERMS, AND CONDITIONS OF INTERCONNECTION WITH U S WEST. | )  )  )  )  )  )  ) | CASE NO. USW-T-96-15  ATT-T-96-2  ORDER NO.  27357 |

On December 1, 1997, the Commission issued Order No. 27236 as the final Order to resolve disputed issues in an arbitration between AT&T Communications of the Mountain States, Inc. (AT&T) and U S WEST Communications, Inc. (U S WEST). The arbitration was initiated by AT&T pursuant to Section 252(b) of the federal Telecommunications Act of 1996 (Act) as part of the parties’ effort to negotiate an interconnection agreement.  On December 21, 1997, AT&T and U S WEST each filed a petition for reconsideration.  In addition, AT&T filed a motion requesting an extension of time in which to respond to the petition filed by U S WEST.  The parties thereafter entered into a stipulation to extend the time for filing answers to January 16, 1998, and providing until February 16, 1998, for the Commission to issue a final Order on reconsideration.  Each party on January 16 filed an answer to the petition for reconsideration filed by the other.

A brief summary of the procedural history of this case is set out in Order No. 27236.  That Order is the culmination of five orders issued by the arbitrator and one previous order issued by the Commission, as well as numerous hearings, briefs and petitions filed by the parties.   Both petitions for reconsideration present issues and arguments previously presented to the Commission by the parties. AT&T candidly stated in its petition that “many of the arguments contained [in its petition] are the same as those presented to the Commission in AT&T’s Petition for Review.”  In their separate Answers filed January 16, AT&T and U S WEST each conclude and recommend that the Commission should altogether deny the petition for reconsideration filed by the other party.

As noted in Order No. 27236, the Commission’s concern throughout the arbitration is that the terms of the anticipated interconnection agreement are consistent with requirements of the Act  and pertinent Federal Communications Commission regulations.  The Commission has carefully reviewed the arguments presented in the petitions for reconsideration and is satisfied that the resolution of disputed terms is compatible with the Act and applicable regulations.  It is our determination, therefore, that each petition for reconsideration should be denied. We concur with the recommendation of each party that the other party’s petition for reconsideration should be denied.

This Order marks the end of the arbitration to resolve disputed issues for an interconnection agreement between U S WEST and AT&T, and thus the Commission’s role as arbiter is completed.  We noted in Order No. 27236 that “although the issues presented in the arbitration are significant and numerous, many issues were voluntarily negotiated by the parties.”  Order No. 27236, p. 3.  Both U S WEST and AT&T are to be commended for their professional efforts in resolving many complex interconnection issues either by negotiation or by this arbitration.

The parties are directed to complete their final agreement and submit it for approval pursuant to Section 252(e)(1) of the Act.  Once the terms of the agreement are effective, the Commission hopes that AT&T will be able to begin providing local telecommunications service in Idaho.  The Commission is also aware, however, that the parties may continue to disagree on the resolution of some issues.  While the Commission is satisfied that the terms as resolved by arbitration are consistent with the Act and FCC regulations, it recognizes that either party “may bring an action in an appropriate Federal district court to determine whether the agreement . . . meets the requirements of section 251 and [section 252].”  47 U.S.C. § 252(e)(6).  Accordingly, in the event that such an action is filed in federal district court, either party may request from the Commission, pursuant to Commission Rule of Procedure 324, a stay of any order approving the terms of the interconnection agreement.  IDAPA 31.01.01.324.

O R D E R

 IT IS HEREBY ORDERED that the Petition for Reconsideration filed by U S WEST is denied, and that the Petition for Reconsideration filed by AT&T is denied.

THIS IS A FINAL ORDER ON RECONSIDERATION.  The parties are directed to submit their final interconnection agreement for approval pursuant to Section 252(e)(1) of the Act.  In the event an action is filed in federal district court following approval of the interconnection agreement, either party may request a stay of the approval order pursuant to Commission Rule of Procedure 324.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of February 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O USW-T-96-15.ws4

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

February 10, 1998