

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
QWEST CORPORATION FOR APPROVAL OF AN)	
AMENDMENT TO ITS INTERCONNECTION)	CASE NO. QWE-T-02-08
AGREEMENT WITH LEVEL 3 COMMUNICATIONS,)	
LLC PURSUANT TO 47 U.S.C. § 252(e))	
_____)	
)	
IN THE MATTER OF THE APPLICATION OF)	
CAMBRIDGE TELEPHONE COMPANY FOR)	CASE NO. CAM-T-09-03
APPROVAL OF ITS RECIPROCAL COMPENSATION)	
AGREEMENT WITH T-MOBILE USA, INC.)	
PURSUANT TO 47 U.S.C. § 252(e))	ORDER NO. 30860
_____)	

In this case the Commission is asked to approve an Amendment to the Interconnection Agreement between Qwest Corporation (“Qwest”) and Level 3 Communications, LLC (“Level 3”) and the Reciprocal Compensation Agreement between Cambridge Telephone Company (“Cambridge”) and T-Mobile USA, Inc. (“T-Mobile”). With this Order, the Commission approves the parties’ 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 APPLICATIONS

1. Qwest Corporation (“Qwest”) and Level 3 Communications, LLC (“Level 3”)
(Case No. QWE-T-02-08).

On June 17, 2009, Qwest submitted an Application for approval of Amendment to its Interconnection Agreement with Level 3. The parties’ original Agreement was approved by the Commission on May 22, 2002. *See* Order No. 29033. With this filing the parties sought approval to add terms and conditions that will modify 8XX Third Party Carrier Traffic. Attachment 1 of the filing states that “8XX Third Party Carrier” is a wireless telecommunications provider whose originating toll-free traffic transits the CLEC’s (Level 3) network and routes the traffic to an Interexchange Carrier served by Qwest. The Agreement describes provisions for billing and interconnecting for jointly provided switched access traffic.

The parties assert that the Agreement was reached through voluntary negotiations and without resorting to mediation or arbitration.

2. Cambridge Telephone Company (“Cambridge”) and T-Mobile USA, Inc. (“T-Mobile”)
(Case No. CAM-T-09-03).

On June 12, 2009, Cambridge filed an Application seeking approval of its Reciprocal Compensation Agreement with T-Mobile. The Agreement covers both Local Traffic and InterMTA traffic and includes terms, conditions, pricing, and traffic ratio factor for termination of local traffic via indirect connection, through a third-party carrier, between Cambridge and T-Mobile’s operating company numbers.

STAFF RECOMMENDATION

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 Agreements, including Amendments thereto, are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends 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

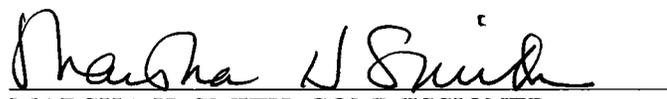
IT IS HEREBY ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation and Level 3 Communications, LLC, Case No. QWE-T-02-08, are approved.

IT IS FURTHER ORDERED that the Reciprocal Compensation Agreement between Cambridge Telephone Company and T-Mobile USA, Inc., Case No. CAM-T-09-03, 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 13th day of July 2009.


J.M.D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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