



## 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 CURRENT APPLICATIONS

1. Qwest Corporation and Covad Communications Company (Case No. USW-T-99-3). This is an amendment to an existing agreement that provides terms and conditions for expediting orders for designed services.

2. Qwest Corporation and Advanced TelCom Group (Case No. USW-T-98-22). This is an amendment to an existing agreement that provides terms and conditions for expediting orders for designed services.

3. Qwest Corporation and IDACOMM, Inc. (Case No. QWE-T-03-18). This is an amendment to an existing interconnection agreement providing terms for available collocation inventory.

4. Qwest Corporation and Nevada Wireless LLC (Case No. QWE-T-03-21). This Application seeks approval of an amendment to an existing interconnection agreement changing the name of Nevada Wireless, LLP to Airpeak Communications.

5. Citizens Telecommunications Company of Idaho and United States Cellular Corporation (Case No. CTC-T-04-2). This Application seeks approval of a new interconnection and traffic interchange agreement. The terms and conditions are similar to other agreements between Citizens and wireless carriers previously approved by this Commission.

### STAFF RECOMMENDATION

The Staff has reviewed the Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that both the new Agreement and the Amendments are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that both the new Agreement and the Amendments merit the Commission's approval.

### 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, 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 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. However, approval of these agreements does not negate the responsibility of either of the parties 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 of the interconnection agreement between Qwest Corporation and Covad Communications Company, Case No. USW-T-99-3, is approved.

IT IS FURTHER ORDERED that the amendment of the interconnection agreement between Qwest Corporation and Advanced TelCom Group, Case No. USW-T-98-22, is approved.

IT IS FURTHER ORDERED that the amendment of the interconnection agreement between Qwest Corporation and IDACOMM, Inc., Case No. QWE-T-03-18, is approved.

IT IS FURTHER ORDERED that the amendment of the interconnection agreement between Qwest Corporation and Nevada Wireless LLC, Case No. QWE-T-03-21, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Citizens Telecommunications Company of Idaho and United States Cellular Corporation, Case No. CTC-T-04-2, 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.

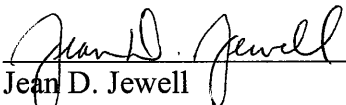
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17<sup>th</sup> day of December 2004.

  
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PAUL KJELLANDER, PRESIDENT

Commissioner Smith Out of the Office  
MARSHA H. SMITH, COMMISSIONER

  
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DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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