

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR) CASE NO. QWE-T-04-09
APPROVAL OF AMENDMENTS TO ITS)
INTERCONNECTION AGREEMENT WITH)
AT&T COMMUNICATIONS OF THE)
MOUNTAIN STATES, INC. PURSUANT TO)
47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
OF FARMERS MUTUAL TELEPHONE) CASE NO. FMT-T-11-01
COMPANY FOR APPROVAL OF ITS)
INTERCONNECTION AGREEMENT WITH)
LEVEL 3 COMMUNICATIONS, LLC) ORDER NO. 32318
PURSUANT TO 47 U.S.C. § 252(e))

In these cases, the Commission is asked to approve an amendment to an existing and previously approved Interconnection Agreement as well as a new Interconnection Agreement. With this Order, the Commission approves the Interconnection Agreement and amendment to the existing Interconnection Agreement.

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. Qwest Corporation and AT&T Communications of the Mountain States, Inc., Case No. QWE-T-04-09. On January 26, 2011, Qwest submitted an Application for approval of an amendment to its Interconnection Agreement with AT&T. The parties' original Interconnection Agreement was approved by the Commission on June 22, 2004. See Commission Order No. 29530. In this Application, the parties request that the Commission allow amendment to Qwest's Local Services Platform (QLSP) Agreement including new terms, conditions and local switching port rates.

2. Farmers Mutual Telephone Company and Level 3 Communications LLC, Case No. FMT-T-11-01. On July 19, 2011, the Commission received FMT's Application requesting approval of its Interconnection Agreement with Level 3. The proposed Agreement outlines the rates, terms and conditions under which the parties will interconnect their facilities and exchange traffic.

STAFF RECOMMENDATION

Staff reviewed the foregoing Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Interconnection Agreement and Amendments to an existing Interconnection Agreement 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 foregoing Interconnection Agreement and Amendment to an existing Interconnection Agreement.

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 Interconnection Agreement and amendment to the existing Interconnection Agreement 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 Amendment to the Interconnection Agreement between Qwest Corporation and AT&T Communications of the Mountain States, Inc., Case No. QWE-T-04-09, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Farmers Mutual Telephone Company and Level 3 Communications, LLC, Case No. FMT-T-11-01, 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 5th day of August 2011.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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