

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF PAGEDATA'S PETITION)	
FOR ARBITRATION OF INTERCONNECTION)	CASE NO. GNR-T-04-5
RATES, TERMS AND CONDITIONS AND)	
RELATED ARRANGEMENTS WITH QWEST)	
CORPORATION PURSUANT TO SECTION 252(b))	
OF THE FEDERAL TELECOMMUNICATIONS)	
ACT.)	
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IN THE MATTER OF WAVESENT LLC'S)	
PETITION FOR ARBITRATION OF)	CASE NO. GNR-T-04-6
INTERCONNECTION RATES, TERMS AND)	
CONDITIONS AND RELATED ARRANGEMENTS)	
WITH QWEST CORPORATION PURSUANT TO)	NOTICE OF
SECTION 252(b) OF THE FEDERAL)	PROPOSED ORDER
TELECOMMUNICATIONS ACT.)	

In March 2004, PageData and WaveSent (the "Pagers") filed Petitions for Arbitration requesting that the Commission arbitrate issues between the Pagers and Qwest Corporation pursuant to Section 252(b) of the federal Telecommunications Act. In Order No. 29463, the Commission consolidated these cases into a single proceeding. Although the parties entered into interconnection negotiations in May 2004, they have not filed new interconnection agreements to replace their current agreements.

NOTICE OF PROPOSED ORDER

YOU ARE HEREBY NOTIFIED that Procedural Rule 312 allows the Commission to issue a Proposed Order in any proceeding. IDAPA 31.01.01.312. Pursuant to Rule 312, the Commission is issuing the attached Proposed Order for comment. The parties may file comments or exceptions to the Proposed Order within twenty-one (21) days of the service of this Notice. In addition, the parties may file replies to the other parties' comments or exceptions no later than seven (7) days after service of the initial comments or exceptions.

YOU ARE FURTHER NOTIFIED that the Commission may adopt or revise a Proposed Order in response to the filed comments and issue a final Order accordingly. The Proposed Order is not an Order of the Commission unless it is later adopted by an Order.

DATED at Boise, Idaho this

16th

day of September 2005.

Barbara Barrows

Barbara Barrows

Assistant Commission Secretary

bls/O:GNR-T-04-05_GNR-T-04-06_dh3

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WITH QWEST CORPORATION PURSUANT TO)	PROPOSED ORDER
SECTION 252(b) OF THE FEDERAL)	
TELECOMMUNICATIONS ACT.)	

In March 2004, Joseph B. McNeal on behalf of PageData and WaveSent, LLC (collectively referred to as the “Pagers”) filed separate Petitions for Arbitration requesting that the Commission arbitrate unresolved issues necessary to complete new interconnection agreements between the Pagers and Qwest Corporation.¹ The Pagers requested that the Commission arbitrate approximately 30 unresolved interconnection issues. Because the Pagers’ Petitions raised nearly identical issues, the Commission consolidated the Petitions into a single proceeding pursuant to Rule 247. IDAPA 31.01.01.247.

In Order No. 29463, the Commission recognized that the federal Telecommunications Act of 1996 requires each telecommunications carrier to “interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.” Order No. 29463 at 2 *quoting* 47 U.S.C. § 251(a). Congress envisioned that carriers would enter into “interconnection agreements” through voluntary negotiation or through arbitration. “To encourage voluntary negotiations, a request for arbitration cannot be filed before the 135th day or after the 160th day from when the incumbent [local exchange carrier] receives a request to negotiate an interconnection agreement.” *Id. quoting* Order No. 29140 at 9; 47 U.S.C. § 252(b)(1).

¹ PageData filed its Petition for Arbitration on March 23, 2004, WaveSent filed its Petition on March 25, 2004. PageData and WaveSent amended their Petitions on April 12, 2004.

Qwest filed a response to the Petitions and requested that the Commission dismiss the Petitions on several grounds. Qwest noted that the parties began interconnection negotiations in May 2004. Qwest Response and Motion to Dismiss at 5. In August and December 2004, Staff inquired about the status of the interconnection negotiations. The parties have not filed any interconnection agreements to replace their current agreements. Given the passage of time and the lack of activity, the Commission on its own motion finds it reasonable to administratively close these cases without prejudice.

ORDER

IT IS HEREBY ORDERED that these cases be closed.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case Nos. GNR-T-04-5 and GNR-T-04-6 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 or in interlocutory Orders previously issued in this Case Nos. GNR-T-04-5 and GNR-T-04-6. 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 day of September 2005.

PAUL KJELLANDER, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Jean D. Jewell
Commission Secretary

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