

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND TIME) **CASE NO. USW-T-00-14**
WARNER TELECOM OF IDAHO LLC FOR)
APPROVAL OF AN AMENDMENT TO A)
PREVIOUSLY APPROVED INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND UNITED) **CASE NO. USW-T-97-8**
STATES CELLULAR MOBILE TELEPHONE)
NETWORK FOR APPROVAL OF AN)
AMENDMENT TO A PREVIOUSLY APPROVED)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND MCLEODUSA) **CASE NO. QWE-T-00-7**
TELECOMMUNICATIONS SERVICES, INC. FOR)
APPROVAL OF THREE AMENDMENTS TO A)
PREVIOUSLY APPROVED INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND DIECA) **CASE NO. USW-T-99-3**
COMMUNICATIONS, INC DBA COVAD)
COMMUNICATIONS COMPANY FOR)
APPROVAL OF TWO AMENDMENTS TO A)
PREVIOUSLY APPROVED INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON NORTHWEST, INC. AND) **CASE NO. VZN-T-03-3**
ALTICOMM, INC. FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND TOPP COMM,) **CASE NO. USW-T-99-1**
INC. FOR APPROVAL OF AN AMENDMENT TO)
A PREVIOUSLY APPROVED)
INTERCONNECTION AGREEMENT PURSUANT) **ORDER NO. 29239**
TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND WAVESENT LLC) CASE NO. QWE-T-03-9
FOR APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).)

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION AND TW WIRELESS) CASE NO. USW-T-99-31
LLC FOR APPROVAL OF AN AMENDMENT TO)
A PREVIOUSLY APPROVED)
INTERCONNECTION AGREEMENT PURSUANT)
TO 47 U.S.C. § 252(e).)

In these cases, the Commission is asked to approve both new interconnection agreements and amendments to agreements that were previously approved by the Commission.

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 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 recently 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 provisions of Section 251(b) or (c).” Order No. 28427 at 11 (emphasis 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

The Commission has been asked to approve these interconnection agreements and amendments to existing interconnection agreements. These agreements are discussed in greater detail below.

1. Qwest Corporation and Time Warner Telecom of Idaho, LLC (Case No. USW-T-00-14). In this Application, the parties request that the Commission approve an amendment to

an existing interconnection agreement. This amendment adds terms and conditions for Single Point of Presence (SPOP) in a LATA.

2. Qwest Corporation and United States Cellular Mobile Telephone Network (Case No. USW-T-97-8). In this Application, the parties request that the Commission approve an amendment to an existing interconnection agreement. This amendment adds terms and conditions for Bill and Keep arrangements.

3. Qwest Corporation and McLeodUSA Telecommunications Services, Inc. (Case No. QWE-T-00-7). In this case, the Commission is asked to approve three amendments to an existing interconnection agreement. The first amendment adds terms and conditions regarding Performance Assurance Plan (PAP). The second amendment addresses rates and terms for Unbundled Network Elements (UNE). The third amendment addresses terms and conditions related to Collocation Available Inventory.

4. Qwest Corporation and DIECA Communications, Inc. dba Covad Communications Company (Case No. USW-T-99-3). In this case, the parties request that the Commission approve two amendments to an existing interconnection agreement. The first amendment adds terms and conditions for Joint Testing at the Interconnection Collocation Distribution Frame (ICDF). The second amendment adds terms and conditions for DC Power Reduction Procedure.

5. Verizon Northwest, Inc. and Alticom, Inc. (Case No. VZN-T-03-3). In this Application, the parties request that the Commission approve an interconnection agreement. The terms, rates, and conditions are similar to interconnection agreements approved by this Commission.

6. Qwest Corporation and Topp Comm, Inc. (Case No. USW-T-99-1). In this Application, the parties request that the Commission approve an amendment to an existing interconnection agreement. This amendment terminates the expired agreement approved by the Commission in March 1999. This agreement originally expired on March 15, 2001 and has been extended on a month-to-month basis until now.

7. Qwest Corporation and Wavesent LLC (Case No. QWE-T-03-9). In this Application, the parties request that the Commission approve an interconnection agreement. Wavesent has requested to "Pick and Choose" in its entirety the terms of the Wireless Interconnection Agreement between Verizon fka U S WEST New Vector Boise City MSA,

Idaho RSA No. 2, Idaho RSA No. 3 and Qwest Corporation fka U S WEST Communications, Inc. that was approved by the Commission in August 1997.

8. Qwest Corporation and TW Wireless LLC (Case No. USW-T-99-31). In this Application, the parties request that the Commission approve an amendment to an existing interconnection agreement. This amendment adds terms and conditions for Single Point of Presence (SPOP).

STAFF RECOMMENDATION

The Staff has reviewed these Applications and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes that the interconnection agreements and the amendments to interconnection agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff believes that the Applications 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 telecommunication 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, the Staff's recommendation and the fact that no other person commented on these Applications, the Commission finds that the above interconnection agreements and amendments to previously approved interconnection agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that these Applications should be approved. However, approval of these agreements and amendments to agreements does not negate the companies' responsibility to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or from complying with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local exchange telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

IT IS HEREBY ORDERED that the interconnection agreements and amendments to interconnection agreements discussed above are approved. Terms of the agreements that are not already in effect shall be effective as of the date of this Order.

IT IS FURTHER ORDERED that the amendment to an existing interconnection agreement between Qwest Corporation and Time Warner Telecom of Idaho LLC, in Case No. USW-T-00-14, is approved.

IT IS FURTHER ORDERED that the amendment to the existing interconnection agreement between Qwest Corporation and United States Cellular Mobile Telephone Network, in Case No. USW-T-97-8, is approved.

IT IS FURTHER ORDERED that the three amendments to the previously approved interconnection agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc., in Case No. QWE-T-00-7, is approved.

IT IS FURTHER ORDERED that the two amendments to the previously approved interconnection agreement between Qwest Corporation and DIECA Communications, Inc. dba Covad Communications Company, in Case No. USW-T-99-3, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Verizon Northwest, Inc. and Alticom, Inc., in Case No. VZN-T-03-3, is approved.

IT IS FURTHER ORDERED that the amendment to the previously approved interconnection agreement between Qwest Corporation and Topp Comm, Inc., in Case No. USW-T-99-1, is approved.


IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Wavesent LLC, in Case No. QWE-T-03-9, is approved.

IT IS FURTHER ORDERED that the amendment to the previously approved interconnection agreement between Qwest Corporation and TW Wireless LLC, in Case No. USW-T-99-31, is approved.

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 these Case Nos. USW-T-00-14, USW-T-97-8, QWE-T-00-7, USW-T-99-3, VZN-T-03-3, USW-T-99-1, QWE-T-03-9 and USW-T-99-31 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 these cases. 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 May 2003.



PAUL KJELLANDER, PRESIDENT

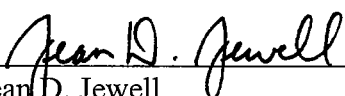


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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