

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND ELECTRIC ) CASE NO. USW-T-00-21  
LIGHTWAVE, INC. FOR APPROVAL OF THREE )  
AMENDMENTS TO A PREVIOUSLY APPROVED )  
INTERCONNECTION AGREEMENT PURSUANT )  
TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION TO TERMINATE A ) CASE NO. USW-T-98-21  
RESALE AGREEMENT WITH NET-TEL )  
COMMUNICATIONS CORPORATION. )**

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**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION TO TERMINATE A ) CASE NOS. USW-T-98-8  
RESALE AGREEMENT WITH KNIGHT )  
COMMUNICATIONS, INC. )**

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**IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND MCIMETRO ) CASE NO. QWE-T-02-22  
ACCESS TRANSMISSION SERVICES LLC FOR )  
APPROVAL OF AN AMENDMENT TO AN )  
EXISTING INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE JOINT APPLICATION )  
OF QWEST CORPORATION AND AT&T ) CASE NO. USW-T-97-10  
WIRELESS, INC. FOR APPROVAL OF AN )  
AMENDMENT TO AN EXISTING )  
INTERCONNECTION AGREEMENT PURSUANT )  
TO 47 U.S.C. § 252(e). )**

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**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND JOSEPH B. ) CASE NO. QWE-T-03-6  
McNEAL DBA PAGEDATA FOR APPROVAL OF )  
AN AMENDMENT TO AN EXISTING )  
INTERCONNECTION AGREEMENT PURSUANT ) ORDER NO. 29293  
TO 47 U.S.C. § 252(e). )**

IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND PACIFIC BELL ) CASE NO. QWE-T-03-13  
WIRELESS NORTHWEST, LLC DBA CINGULAR )  
WIRELESS FOR APPROVAL OF AN )  
INTERCONNECTION AGREEMENT AND AN )  
AMENDMENT TO IT PURSUANT TO 47 U.S.C. § )  
252(e). )

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IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND SPRINT ) CASE NO. SPR-T-01-1  
COMMUNICATIONS COMPANY, L.P. FOR )  
APPROVAL OF AN AMENDMENT TO AN )  
EXISTING INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )

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IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND LIGHTYEAR ) CASE NO. QWE-T-03-11  
COMMUNICATIONS, INC. FOR APROVAL OF )  
AN INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )

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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 )  
AN EXISTING INTERCONNECTION )  
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e). )

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IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION AND MCLEODUSA ) CASE NO. QWE-T-00-7  
TELECOMMUNICATIONS SERVICES, INC. )  
FOR APPROVAL OF AN AMENDMENT TO AN )  
EXISTING INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e). )

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IN THE MATTER OF THE APPLICATION OF )  
QWEST AND INTEGRA TELECOM OF IDAHO, ) CASE NO. USW-T-00-5  
INC. FOR APPROVAL OF AN AMENDMENT TO )  
AN EXISTING INTERCONNECTION )  
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e). )

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In these cases the Commission is asked to approve new interconnection agreements and amendments to previously approved interconnection agreements.

## 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 carriers 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

As discussed above the Commission has been asked to approve new interconnection agreements and amendments to existing interconnection agreements. These items are discussed in greater detail below.

1. Qwest Corporation and Electric Lightwave, Inc. (ELI) (Case No. USW-T-00-21). There are three separate amendments for which these companies are seeking approval. The first, identified as Collocation Available Inventory, adds terms allowing ELI to purchase collocation equipment and space returned to Qwest by other CLECs who no longer need the facilities, the second adds terms for a Single Point of Presence, and the third, adds terms for the purchase of unbundled network element (UNE) combinations.

2. Qwest Corporation and Net-tel Communications Corporation (Case No. USW-T-98-21). This is an Application to terminate a resale agreement.

3. Qwest Corporation and Knight Communications, Inc. (Case No. USW-T-98-8). This is an Application to terminate a resale agreement.

4. Qwest Corporation and MCImetro Access Transmission Services LLC (Case No. QWE-T-02-22). This Application involves an amendment to an existing wireline interconnection agreement adding terms for compensation for terminating traffic bound for Internet Service Provider locations.

5. Qwest Corporation and AT&T Wireless, Inc. (Case No. USW-T-97-10). This is an Application to approve a collocation amendment to an existing wireless interconnection agreement.

6. Qwest Corporation and Joseph B. McNeal dba Page Data (Case No. QWE-T-03-6). This is an amendment adding Single Point of Presence to a previously approved paging interconnection agreement.

7. Qwest Corporation and Pacific Bell Wireless Northwest, LLC dba Cingular Wireless (Case No. QWE-T-03-13). This is an Application for the approval of the adoption by Pacific Bell Wireless Northwest, LLC dba Cingular Wireless of the interconnection agreement between Qwest Corporation and Sprint Spectrum L.P. previously approved by the Commission. The Application also seeks approval for an amendment of that agreement modifying the terms for End Office and Tandem Switched Transport.

8. Qwest Corporation and Sprint Communications Company, L.P. (Case No. SPR-T-01-1). This Application is for an amendment to an existing interconnection agreement providing terms for Collocation Available Inventory.

9. Qwest Corporation and Lightyear Communications, Inc. (Case No. QWE-T-03-11). This Application is for a new interconnection agreement. Lightyear adopts, in its entirety, the agreement between Qwest and Z-Tel, previously approved by this Commission.

10. Qwest Corporation and TW Wireless LLC (Case No. USW-T-99-31). This is an amendment to an existing Type 2 Wireless Interconnection Agreement containing terms for compensation for terminating traffic bound for Internet Service Provider locations.

11. Qwest Corporation and McLeodUSA Telecommunications Services, Inc. (Case No. QWE-T-00-7). This is an Application for approval of an amendment that indefinitely extends the bill and keep terms for reciprocal compensation that were previously approved by this Commission. The previous bill and keep terms had expired.

12. Qwest Corporation and Integra Telecom of Idaho, Inc. (Case No. USW-T-00-5). This is an amendment to an existing agreement providing terms for CLEC to CLEC cross connections.

#### **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 these new agreements

and 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 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, the Staff's recommendation and on the fact no other person commented on these Applications, the Commission finds that the new 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 new agreements and amendments to existing agreements does not negate the responsibility of any of the parties to these agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or complying 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 new 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 three amendments to the previously approved interconnection agreement between Qwest Corporation and Electric Lightwave, Inc., USW-T-00-21, are approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Net-tel Communications Corporation, Case No. USW-T-98-21, is terminated.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Knight Communications, Inc., Case No. USW-T-98-8, is terminated.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and MCImetro Access Transmission Services LLC, Case No. QWE-T-02-22, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and AT&T Wireless, Inc., Case No. USW-T-97-10, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Joseph McNeal dba PageData, Case No. QWE-T-03-6, is approved.

IT IS FURTHER ORDERED that the interconnection agreement and amendment to it between Qwest Corporation and Pacific Bell Wireless Northwest LLC dba Cingular Wireless, Case No. QWE-T-03-13, are approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Sprint Communications Company, L.P., Case No. SPR-T-01-1, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Lightyear Communications, Inc., Case No. QWE-T-03-11, is approved.

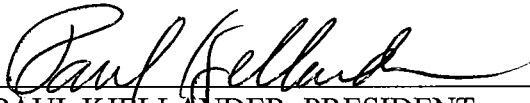
IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and TW Wireless LLC, Case No. USW-T-99-31, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and McCleodUSA Telecommunications Services, Inc., QWE-T-00-7, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Integra Telecom Idaho, Inc., Case No. USW-T-00-5, 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-00-21, USW-T-98-21, USW-T-98-8, QWE-T-02-22, USW-T-97-10, QWE-T-03-6, QWE-T-03-13, SPR-T-01-1, QWE-T-03-11, USW-T-99-31, QWE-T-00-7 and USW-T-00-5 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.

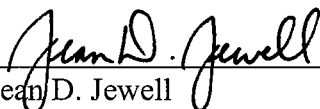
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 15<sup>th</sup>  
day of July 2003.

  
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PAUL KJELLANDER, PRESIDENT

  
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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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