

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND IDACOMM,) CASE NO. QWE-T-03-8
INC. FOR APPROVAL OF AN AMENDMENT TO)
AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).) ORDER NO. 29222
)**

In this case, the Commission has been asked to approve an interconnection agreement between Qwest Corporation and IDACOMM, Inc.

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 provisions with 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 APPLICATION

In this Application, the parties request that the Commission approve an interconnection agreement. IDACOMM, Inc. wishes to adopt in its entirety the terms of the agreement approved by this Commission between Sprint Communications and Qwest Corporation (Case No. SPR-T-01-1).

STAFF RECOMMENDATION

The Staff has reviewed this Application and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes that this interconnection agreement is consistent with the pro-competitive policies of this Commission, the Idaho

Legislature, and the federal Telecommunications Act. Accordingly, Staff believes that the Application merits the Commission's approval.

COMMISSION DECISION

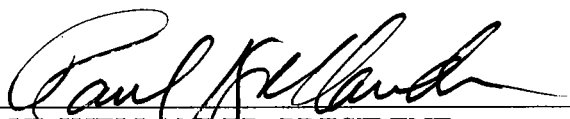
Under the terms of the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252 (e)(1). The Commission's review is limited, however. The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates 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 this Application, Staff's recommendation and on the fact no other person commented on it, the Commission finds that the above interconnection agreement between Qwest Corporation and IDACOMM, Inc. is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that this Application should be approved.

ORDER

IT IS HEREBY ORDERED that the interconnection agreement between Qwest Corporation and IDACOMM, Inc. 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 this Case No. QWE-T-03-8 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. 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 16th
day of April 2003.



PAUL KJELLANDER, PRESIDENT




MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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