

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-04-1
AND SPRINT COMMUNICATIONS FOR)
APPROVAL OF AN AMENDMENT TO A)
WIRELINE INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-04-19
AND LIGHTYEAR NETWORK SOLUTIONS,)
LLC FOR APPROVAL OF AN AMENDMENT)
TO A WIRELINE INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-2
AND NEW ROCHELLE TELEPHONE CORP.)
FKA PECONIC TELCO, INC. FOR)
APPROVAL OF THE ADOPTION OF THE)
COVISTA INTERCONNECTION)
AGREEMENT FOR THE STATE OF IDAHO)
PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF VERIZON NORTHWEST) CASE NO. VZN-T-01-11
INC AND AT&T FOR APPROVAL OF AN)
AMENDMENT TO AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF VERIZON NORTHWEST) CASE NO. VZN-T-04-3
INC. AND XO IDAHO, INC. FOR)
APPROVAL OF AN AMENDMENT TO AN)
INTERCONNECTION AGREEMENT) ORDER NO. 29711
PURSUANT TO 47 U.S.C. § 252(e))**

In these cases the Commission is asked to approve amendments to existing interconnection agreements, and to approve the adoption of a previously approved interconnection agreement.

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 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 CURRENT APPLICATIONS

1. Qwest Corporation and Sprint Communications (Case No. QWE-T-04-1). This is an amendment to an existing agreement that provides terms and conditions for phasing out line sharing in accordance with the Triennial Review Order (TRO).
2. Qwest Corporation and Lightyear Network Solutions (Case No. QWE-T-04-19). This is an amendment to an existing agreement providing terms for the elimination of Unbundled Network Element Platform (UNE-P) and the implementation of batch hot cut processes and discounts in accordance with the TRO.
3. Qwest Corporation and New Rochelle Telephone Corp. fka Peconic Telco Inc. (Case No. QWE-T-05-2). This Application seeks approval to adopt a previously approved interconnection agreement and two amendments to that adopted agreement. New Rochelle seeks to adopt the existing and previously approved agreement between Qwest and Covista. The amendments provide terms for elimination of UNE-P and the implementation of batch hot cut processes and discounts in accordance with the TRO, and the TRO/USTA II amendments, which addresses other changes that were included in the TRO.
4. Verizon Northwest and AT&T (Case No. VZN-T-01-11). This is an amendment to an existing agreement dealing with terms for exchanging traffic.

5. Verizon Northwest and XO Idaho Inc. (Case No. VZN-T-04-3). This is an amendment to an existing agreement dealing with terms for exchanging traffic.

STAFF RECOMMENDATION

Commission Staff has reviewed the Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that these Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that these Agreements, consisting of the adoption of an Agreement and Amendments to existing Agreements, 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 and the Staff's recommendation, the Commission finds that the agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the agreements should be approved. However, approval of these agreements does not negate the responsibility of either of the parties 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 amended interconnection agreement between Qwest Corporation and Sprint Communications, Case No. QWE-T-04-1, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement between Qwest Corporation and Lightyear Network Solutions, LLC, Case No. QWE-T-04-19, is approved.

IT IS FURTHER ORDERED that the adopted and amended interconnection agreement between Qwest Corporation and New Rochelle Telephone Corp. fka Peconic Telco, Inc., Case No QWE-T-05-2, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement between Verizon Northwest Inc. and AT&T, Case No. VZN-T-01-11, is approved.

IT IS FURTHER ORDERED that the amended interconnection agreement between Verizon Northwest Inc. and XO Idaho Inc., Case No. VZN-T-04-3, 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.

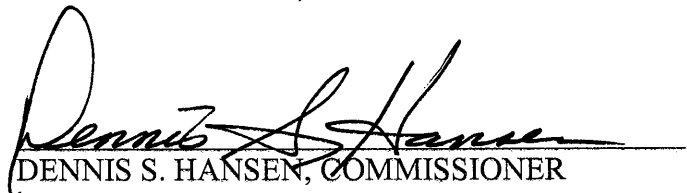
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 14th day of February 2005.



PAUL KJELLANDER, PRESIDENT




MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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