

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-04-26
AND NORTHSTAR TELECOM, INC. FOR)
APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-4
AND VYCERA COMMUNICATIONS, INC.)
FOR APPROVAL OF AN AMENDMENT TO)
AN EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §)
252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-04-12
AND 1-800 RECONEX, INC. DBA USTEL)
FOR APPROVAL OF AN AMENDMENT TO)
AN EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. §) ORDER NO. 29850
252(e))**

In these cases the Commission is asked to approve Amendments to existing and previously approved Interconnection Agreements. With this Order the Commission approves the 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 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 NorthStar Telecom, Inc. (Case No. QWE-T-04-26). The original Agreement was approved by the Commission on December 29, 2004. In this filing the companies agree to incorporate the Triennial Review Order (TRO) and the Triennial Review Remand Order (TRRO) into the Interconnection Agreement between the parties. To the extent applicable, the Agreement will eliminate certain Unbundled Network Elements (UNEs) or add terms and conditions for certain UNEs as set forth in Attachment 1 and Exhibit A of the Amendment.

2. Qwest Corporation and Vycera Communications, Inc. (Case No. QWE-T-05-4). The original Agreement was approved by the Commission on May 5, 2005. In this filing the companies agree to amend Exhibit A of the Agreement by adding the rates for Directory Assistance and Toll and Assistance Operator Services as set forth in the amended Exhibit A.

3. Qwest Corporation and 1-800-Reconex, Inc. dba USTel (Case No. QWE-T-04-12). The original Agreement was approved by the Commission on June 22, 2004. In this filing the companies agree to incorporate the TRO and TRRO into the Interconnection Agreement between the parties. To the extent applicable, the Agreement will eliminate certain UNEs or add terms and conditions for certain UNEs as set forth in Attachment 1 and Exhibit A of the Amendment.

STAFF RECOMMENDATION

The Staff has reviewed the Applications and does not find any terms or conditions 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. Accordingly, Staff recommended Commission approval of the Amendments.

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 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 of Qwest Corporation and NorthStar Telecom, Inc., Case No. QWE-T-04-26, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and Vycera Communications, Inc., Case No. QWE-T-05-4, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and 1-800-Reconex, Inc. dba USTel, Case No. QWE-T-04-12, 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 24th
day of August 2005.



PAUL KJELLANDER, PRESIDENT

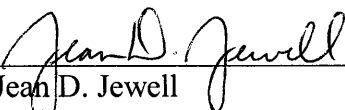


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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