



In these cases, the Commission is asked to approve amendments to existing and previously approved Interconnection Agreements and newly negotiated Interconnection Agreements. With this Order the Commission approves the amendments to Agreements and the newly negotiated 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 McLeodUSA Telecommunications Services, Inc. (Case No. QWE-T-00-7). This Application seeks approval of an amendment providing terms and procedures for retaining the existing cabling and fuse position when a CLEC’s DC Power use is reduced to zero.

2. Qwest Corporation and Westcom, LLC dba WesTelFiber (Case No. QWE-T-02-23). This Application seeks approval of the TRO/TRRO Amendment. The amendment implements the changes to the standard agreement to comply with the FCC’s Triennial Review Order and Triennial Review Remand Order. The Commission has previously approved this amendment in other cases.

3. Qwest Corporation and New Cingular Wireless PCS, LLC (Case No. QWE-T-03-13). This Application seeks approval of an amendment that specifies the terms and conditions that will apply to the surviving entity of the mergers of AT&T Wireless and Cingular, which then merged with Pacific Bell Wireless, Northwest. New Cingular Wireless PCS LLC is

the surviving entity of these mergers. Qwest had multiple agreements with the merged entities, and the amendment consolidates those agreements into a single agreement.

4. Qwest and Prime Time Ventures, LLC (Case No. QWE-T-05-08). This Application seeks approval of the Qwest DSL Amendment. The amendment reflects Qwest's decision to offer its digital subscriber line service as a Title I service, and therefore no longer available under the terms of the interconnection agreement. The Commission has previously approved this amendment in other cases.

5. Qwest and MCImetro Access Transmission Services, LLC (Case No. QWE-T-06-24). This Application seeks approval of a new agreement, as well as an amendment to that agreement. The new agreement is a negotiated agreement and contains terms that are similar to those in previously approved agreements. The amendment specifies that this single agreement will replace all previous agreements between Qwest and MCI and any other CLECs that had been acquired by or merged with MCI.

6. Qwest and Ygnition Networks, Inc. (Case No. QWE-T-06-25). This Application seeks approval of the agreement between Qwest and Ygnition Networks, Inc. to adopt the terms of the agreement between Qwest and 360networks USA, Inc. The Commission approved the Qwest-360networks agreement in Order No. 29986.

#### **STAFF RECOMMENDATION**

Staff 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 the Applications are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the amendments to the Agreements and the newly negotiated agreements.

#### **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. 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.

### O R D E R

IT IS HEREBY ORDERED that the amended Interconnection Agreement of Qwest Corporation and McLeodUSA Telecommunications Services, Inc., Case No. QWE-T-00-7, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and Westcom, LLC dba WesTelFiber, Case No. QWE-T-02-23, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and New Cingular Wireless PCS, LLC, Case No. QWE-T-03-13, is approved.

IT IS FURTHER ORDERED that the amended Interconnection Agreement of Qwest Corporation and Prime Time Ventures, LLC, Case No. QWE-T-05-8, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement and amendment of Qwest Corporation and MCImetro Access Transmission Services, LLC, Case No. QWE-T-06-24, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of Qwest Corporation and Ygnition Networks, Inc., Case No. QWE-T-06-25, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order 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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

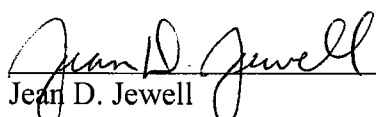
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 1<sup>st</sup>  
day of February 2007.

  
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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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