

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATIONS OF )  
VERIZON NORTHWEST INC. FOR APPROVAL OF )  
AMENDMENTS TO ITS INTERCONNECTION )  
AGREEMENT WITH MCIMETRO ACCESS ) **CASE NO. VZN-T-03-07**  
TRANSMISSION SERVICES LLC PURSUANT TO )  
47 U.S.C. § 252(e) )  
\_\_\_\_\_ )

IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION FOR APPROVAL OF ITS )  
LETTER AGREEMENT WITH MILLENNIUM )  
NETWORKS, LLC TO ADOPT THE )  
INTERCONNECTION AGREEMENT BETWEEN )  
QWEST CORPORATION AND SILVER STAR )  
TELEPHONE COMPANY AND AMENDMENTS TO ) **CASE NO. QWE-T-10-02**  
THAT INTERCONNECTION AGREEMENT )  
PURSUANT TO 47 U.S.C. § 252(e) )  
\_\_\_\_\_ )

IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION FOR APPROVAL OF ITS )  
INTERCONNECTION AGREEMENT, INCLUDING ) **CASE NO. QWE-T-10-03**  
AMENDMENTS, WITH NEUTRAL TANDEM, INC. )  
PURSUANT TO 47 U.S.C. § 252(e) )  
\_\_\_\_\_ ) **ORDER NO. 32008**

In this case the Commission is asked to approve Amendments to an Interconnection Agreement between Verizon Northwest Inc. (“Verizon”) and MCImetro Access Transmission Services LLC (“MCImetro”); an Interconnection Agreement, including Amendments, between Qwest Corporation (“Qwest”) and Millennium Networks, LLC (“Millennium”); and an Interconnection Agreement, including Amendments, between Qwest and Neutral Tandem, Inc. (“Neutral”). With this Order, the Commission approves the parties’ Interconnection Agreements and Amendments.

**BACKGROUND**

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements, including amendments thereto, 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 APPLICATION

1. Verizon and MCImetro, Case No. VZN-T-03-07.

On May 13, 2010, Verizon submitted two Applications to Amend its Interconnection Agreement with MCImetro, approved by the Commission on October 20, 2003. *See* Order No. 29358. The parties ask the Commission to approve Amendments 5 and 6 to their Interconnection Agreement. Amendment 5 revises the terms and agreements for wholesale discounts listed in Exhibit A that includes non-recurring charges for resale services. Amendment 6 amends the Triennial Review and Remand Order (TRRO) that includes provisioning and pricing for services listed in Exhibit A. Both Amendments have an effective date of March 2, 2010.

2. Qwest and Millennium, Case No. QWE-T-10-02.

On May 21, 2010, Qwest filed an Application seeking the Commission’s approval to adopt Qwest’s Interconnection Agreement with Silver Star Telephone Company, Order No. 30953. The Application included a Letter Agreement wherein Millennium agreed to adopt the aforementioned Interconnection Agreement in its entirety. On June 1, 2010, Qwest filed an Application for approval of certain Amendments to the adopted Interconnection Agreement. The Amendment sets out mutual terms, covenant and conditions for Mid-Span Meet Point of Interface (POI). The parties state that the Agreement was reached through voluntary negotiations.

3. Qwest and Neutral, Case No. QWE-T-10-03.

On May 21, 2010, Qwest submitted an Application for approval of its Interconnection Agreement with Neutral, as well as two Amendments to that Agreement. The Agreement and

Amendments provide for originated toll-free service jointly provided switched access (JPSA), and four-party transit traffic. The parties state that the Agreement and accompanying Amendments were jointly entered into and provide for both companies to interconnect their facilities.

### **STAFF RECOMMENDATION**

Staff reviewed the foregoing Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Agreements and Amendments are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends that the Commission approve the Interconnection Agreements and Amendments.

### **COMMISSION DECISION**

Under the terms of the Telecommunications Act, Interconnection Agreements, including Amendments thereto, must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). However, 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 Application and the Staff's recommendation, the Commission finds that the Agreements and Amendments are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreement and Amendments, reviewed by Staff and more fully described above, should be approved. Approval of the Agreements and Amendments does not negate the responsibility of either party 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 Amendments to the Interconnection Agreement between Verizon Northwest Inc. and MCImetro Access Transmission Services LLC, Case No. VZN-T-03-07, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement, including Amendments, between Qwest Corporation and Millennium Networks, LLC, Case No. QWE-T-10-02, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement, including Amendments, between Qwest Corporation and Neutral Tandem, Inc., Case No. QWE-T-10-03, 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.

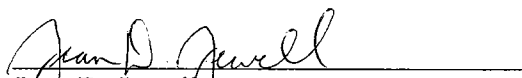
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21<sup>st</sup> day of June 2010.

  
J.M.D. KEMPTON, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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