

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND NPCR, INC.) CASE NO. USW-T-99-22
DBA NEXTEL PARTNERS 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 QWEST CORPORATION AND INTEGRA) CASE NO. USW-T-00-5
TELECOM OF IDAHO, INC. 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 QWEST CORPORATION AND TIME) CASE NO. USW-T-00-14
WARNER TELECOM OF IDAHO, LLC FOR)
APPROVAL OF TWO SEPARATE AMENDMENTS)
TO AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE JOINT APPLICATION)
OF QWEST CORPORATION AND AMERICAN) CASE NO. USW-T-00-17
FIBER NETWORK, INC. 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 QWEST CORPORATION AND ELECTRIC) CASE NO. USW-T-00-21
LIGHTWAVE, INC. 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 QWEST CORPORATION AND 1-800-) CASE NO. QWE-T-01-13
RECONEX, INC. FOR APPROVAL OF AN)
AMENDMENT TO AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e).) ORDER NO. 29433**

IN THE MATTER OF THE APPLICATION OF) QWEST CORPORATION AND XO IDAHO, INC.) FOR APPROVAL OF AN AMENDMENT TO AN) INTERCONNECTION AGREEMENT) PURSUANT TO 47 U.S.C. § 252(e))	CASE NO. QWE-T-02-2
<hr/>	
IN THE MATTER OF THE APPLICATION OF) QWEST CORPORATION AND GRANITE) TELECOMMUNICATIONS, INC. FOR) APPROVAL OF AN INTERCONNECTION) AGREEMENT PURSUANT TO 47 U.S.C. § 252(e))	CASE NO. QWE-T-04-3
<hr/>	
IN THE MATTER OF THE APPLICATION OF) VERIZON NORTHWEST INC. AND GRANITE) TELECOMMUNICATIONS, INC., FOR) APPROVAL OF AN INTERCONNECTION) AGREEMENT AND AMENDMENT PURSUANT) TO 47 U.S.C. § 252(e))	CASE NO. VZN-T-04-1
<hr/>	

In these cases, the Commission is asked to approve both new interconnection agreements and amendments to agreements that were previously approved by the Commission.

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 recently 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 of 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 APPLICATIONS

The Commission has been asked to approve these interconnection agreements and amendments to existing interconnection agreements. These agreements are discussed in greater detail below.

1. Qwest and NPCR, Inc. dba Nextel Partners (Case No. USW-T-99-22). This is an amendment to a previously approved agreement implementing new reciprocal compensation terms based upon a three-month study of traffic between the two companies.

2. Qwest and Integra Telecom of Idaho, Inc. (Case No. USW-T-00-5). This Application is for an amendment to an existing interconnection agreement adding terms for the conversion of private line service to Unbundled Dedicated Interoffice Transport (UDIT).

3. Qwest and Time Warner Telecom of Idaho, LLC (Case No. USW-T-00-14). This Application seeks approval of two amendments to an existing agreement. The first amendment provides general terms for Collocation Available Inventory, and the second provides promotional rates for Collocation Available Inventory for a limited time period.

4. Qwest and American Fiber Network, Inc. (Case No. USW-T-00-17). This Application is for an amendment to update the agreement to reflect changes in regulatory requirements implemented in the Federal Communications Commission's Triennial Review Order (TRO). This amendment deals with those TRO elements that were not delegated to states for further analysis.

5. Qwest and Electric Lightwave, Inc. (Case No. USW-T-00-21). This Application seeks approval of an amendment to an existing agreement that provides terms for unbundled dark fiber.

6. Qwest and 1-800-Reconex, Inc. (Case No. QWE-T-01-13). This Application is for an amendment to an existing agreement providing terms for unbundled public access lines (UNE-P PAL).

7. Qwest and XO Idaho, Inc. (Case No. QWE-T-02-2). This Application is for an amendment to provide promotional rates for available collocation inventory.

8. Qwest and Granite Telecommunications, Inc. (Case No. QWE-T-04-3). This Application seeks approval of a new agreement based on the Statement of Generally Available Terms (SGAT).

9. Verizon and Granite Telecommunications, Inc. (Case No. VZN-T-04-1). The Companies submitted both a new original agreement and an amendment to the agreement. The agreement contains terms that are similar to terms from other Verizon agreements previously approved by the Commission. The amendment updates the agreement to reflect changes in regulatory requirements implemented in the Federal Communications Commission's Triennial Review Order (TRO). This amendment deals with those TRO elements that were not delegated to states for further analysis.

STAFF ANALYSIS AND RECOMMENDATION

The Staff has reviewed these Applications and did not find any terms and conditions to be discriminatory or contrary to the public interest. Staff believes that the interconnection agreements and the amendments to interconnection agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff believes that the Applications 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 Application, the Staff's recommendation and on the fact no other person commented on these Applications, the Commission finds that the above interconnection agreements and amendments to previously approved interconnection agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that these Applications should be approved. Approval of these new agreements and amendments does not negate the responsibility of any of the parties to these agreements to obtain a Certificate of Public Convenience and Necessity prior to providing local exchange services or from complying 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 interconnection agreements and amendments to interconnection agreements discussed above are approved. Terms of the agreements that are not already in effect shall be effective as of the date of this Order.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and NPCR, Inc. dba Nextel Partners, Case No. USW-T-99-22, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Integra Telecom of Idaho, Inc., Case No. USW-T-00-5, is approved.

IT IS FURTHER ORDERED that the two amendments to the interconnection agreement between Qwest Corporation and Time Warner Telecom of Idaho, LLC, Case No. USW-T-00-14, are approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and American Fiber Network, Inc., Case No. USW-T-00-17, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and Electric Lightwave, Inc., Case No. USW-T-00-21, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and 1-800-Reconex, Inc., Case No. QWE-T-01-13, is approved.

IT IS FURTHER ORDERED that the amendment to the interconnection agreement between Qwest Corporation and XO Idaho, Inc., Case No. QWE-T-02-2, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between Qwest Corporation and Granite Telecommunications, Inc., Case No. QWE-T-04-3, is approved.


IT IS FURTHER ORDERED that the interconnection agreement between Verizon Northwest Inc. and Granite Telecommunications, Inc., Case No. VZN-T-04-1, 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 these Case Nos. USW-T-99-22, USW-T-00-5, USW-T-00-14, USW-T-00-17, USW-T-00-22, QWE-T-01-13, QWE-T-02-2, QWE-T-04-3, and VZN-T-04-1 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 these cases. 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.

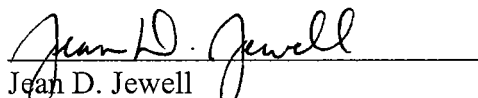
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26th day of February 2004.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:USWT9902_USWT005_USWT0014_USWT0017_etal_jh