

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

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

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION AND LEVEL 3 ) CASE NO. QWE-T-02-8  
COMMUNICATIONS, LLC FOR APPROVAL )  
OF AN AMENDMENT TO A PREVIOUSLY )  
APPROVED INTERCONNECTION )  
AGREEMENT PURSUANT TO 47 U.S.C. § )  
252(e). )**

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION FOR ) CASE NO. USW-T-97-11  
APPROVAL OF AMENDMENTS TO ITS )  
INTERCONNECTION AGREEMENT WITH )  
VERIZON WIRELESS F/K/A US WEST NEW )  
VECTOR GROUP, INC. PURSUANT TO 47 )  
U.S.C. § 252(e) )**

**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION FOR ) CASE NO. USW-T-97-15  
APPROVAL OF AMENDMENTS TO ITS )  
INTERCONNECTION AGREEMENT WITH )  
VERIZON WIRELESS F/K/A US WEST NEW )  
VECTOR GROUP, INC. PURSUANT TO 47 ) ORDER NO. 30675  
U.S.C. § 252(e) )**

In this case the Commission is asked to approve various amendments to existing interconnection agreements between Qwest Corporation and Sprint Communications Company, L.P.; Level 3 Communications, LLC; and Verizon Wireless f/k/a US West New Vector Group, Inc. With this Order, the Commission approves the amendments to their interconnection agreements.

**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 APPLICATIONS

1. Qwest Corporation and Sprint Communications Company, L.P., Case No. QWE-T-04-01. On October 17, 2008, Qwest filed an Application to amend the parties’ Interconnection Agreement that was initially approved by the Commission on January 13, 2004. Order No. 29417. The current Application states that the parties seek the Commission’s approval to incorporate Voice over Internet Protocol (VoIP) services into the parties’ Interconnection Agreement. The Application also includes Attachment 1, which sets out definitions, interconnection terms, and exchange service arrangements for ISP – Bound and VoIP traffic. Finally, the parties state that they are jointly filing and that this amendment was reached through voluntary negotiations and without resorting to mediation.

2. Qwest Corporation and Level 3 Communications, LLC, Case No. QWE-T-02-08. On October 24, 2008, Qwest filed an Application to amend the parties’ Interconnection Agreement that was initially approved by the Commission in May 2002. Order No. 29033. In this Application, the parties request that the Commission approve an amendment to incorporate the Triennial Review Order (TRO) and the Triennial Review Remand Order (TRRO) to the parties’ existing Interconnection Agreement.

3. Qwest Corporation and Verizon Wireless, LLC f/k/a US West New Vector Group, Inc., Case Nos. USW-T-97-11 and USW-T-97-15. On October 24, 2008, Qwest submitted two Applications seeking Commission approval to amend their existing Interconnection Agreements with Verizon Wireless. Both agreements were approved by the Commission on August 11, 1997. Order No. 26994. In each of these Interconnection

Agreements, both parties seek to amend the agreements in order to incorporate the Verizon Wireless consolidation, the Triennial Review Order and the Bill and Keep arrangement between Qwest and Verizon Wireless.

### **STAFF RECOMMENDATION**

The Staff has reviewed the 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 amendments to the Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the foregoing amendments to the parties' Interconnection Agreements.

### **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). 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 amendments to the interconnection agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments to the Agreements should be approved. Approval of these 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**

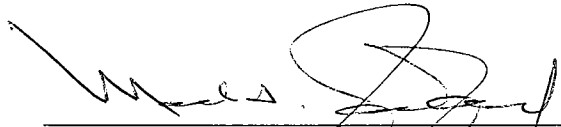
IT IS HEREBY ORDERED that the amendment to the Interconnection Agreement between Qwest Corporation and Sprint Communications Company, L.P., Case No. QWE-T-04-01, is approved.

IT IS FURTHER ORDERED that the amendment to the Interconnection Agreement between Qwest Corporation and Level 3 Communications, LLC, Case No. QWE-T-02-08, is approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreements between Qwest Corporation and Verizon Wireless f/k/a US West New Vector Group, Inc., Case Nos. USW-T-97-11 and USW-T-97-15, are 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.

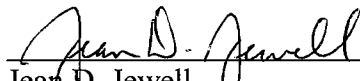
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12<sup>th</sup> day of November 2008.

  
MACK A. REDFORD, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
JIM D. KEMPTON, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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