

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT APPLICA-) CASE NO. USW-T-97-20
TION OF ELECTRIC LIGHTWAVE, INC. AND) ELI-T-97-1
U S WEST COMMUNICATIONS FOR)
APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO SECTION 252(e))
OF THE TELECOMMUNICATIONS ACT OF) ORDER NO. 27305
1996.)
_____)**

On November 17, 1997, U S WEST Communications, Inc. (U S WEST) and Electric Lightwave, Inc. (ELI) filed a Joint Application for approval of their interconnection agreement arrived at through voluntary negotiations. The agreement is a Local Wireline Network Interconnection and Service Resale Agreement, No. SEA-970923-1602\C, and is submitted for approval pursuant to 47 U.S.C. § 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act). The agreement provides the terms, conditions, and prices for network interconnection, access to unbundled network elements, the provision of retail services for resale by ELI, and other interconnection issues. ELI currently is authorized to provide nonbasic telecommunications services under Title 62, *Idaho Code*, but has not requested authority from the Commission to provide basic telecommunications services pursuant to Title 61, *Idaho Code*.

On November 28, 1997, the Commission issued a Notice of Joint Petition and Notice of Modified Procedure to process the petition. Only the Commission Staff filed comments, recommending approval of the interconnection agreement.

Section 252(e)(2) of the Act directs that a state Commission may reject an agreement reached through voluntary negotiations only if the Commission finds that

- (i) the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

The parties assert that the agreement does not discriminate against other telecommunication carriers and that it is consistent with the public interest, convenience and necessity.

Staff reviewed the agreement between the parties to determine that it is consistent with the requirements of the Telecommunications Act. Based on the recommendation of the Staff, we find that the agreement between ELI and U S WEST should be approved.

ORDER

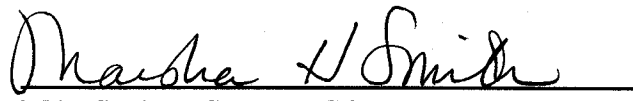
IT IS HEREBY ORDERED that the Interconnection Agreement between U S WEST Communications, Inc. and Electric Lightwave, Inc. is approved. Terms of the agreement that are not already in effect shall be effective as of the date of this Order.

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-97-20 and ELI-T-97-1 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 Case Nos. USW-T-97-20 and ELI-T-97-1. 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 7th
day of January 1998.


DENNIS S. HANSEN, PRESIDENT


RALPH NELSON, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Myrna J. Walters
Commission Secretary

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