

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. USW-T-98-22
AND ADVANCED TELCOM, INC. FOR)
APPROVAL OF AN AMENDMENT TO AN)
EXISTING INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-3
AND VCI COMPANY FOR APPROVAL OF THE)
ADOPTION OF THE 1-800-RECONEX, INC.)
DBA USTEL INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-4
AND VYCERA COMMUNICATIONS, INC. FOR)
APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-5
AND METROPOLITAN)
TELECOMMUNICATIONS OF IDAHO, INC.)
FOR APPROVAL OF THE ADOPTION OF THE)
SPRINT COMMUNICATIONS COMPANY)
INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-6
AND PIPERTEL COMMUNICATIONS, LLC)
FOR APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE JOINT)
APPLICATION OF QWEST CORPORATION) CASE NO. QWE-T-05-9
AND TRANS NATIONAL COMMUNICATIONS)
INTERNATIONAL, INC. FOR APPROVAL OF)
AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e)) ORDER NO. 29776**

In these cases the Commission is asked to approve new interconnection agreements, as well as amendments to and the adoption of previously approved interconnection agreements. With this Order the Commission approves the 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 Advanced Telcom, Inc. (Case No. USW-T-98-22). This is an Application for approval of an amendment to an existing agreement. The amendment provided for the elimination of UNE-P and implementation of Batch Hot Cut Processes and Discounts. This is essentially the same amendment previously approved by the Commission in Order No. 29580. This amendment is a complement to the Master Service Agreement between the companies which Qwest filed for informational purposes, and which was subsequently filed by Advanced Telcom and Eschelon as an interconnection agreement. Staff will address this subsequent filing at a later date, and is at this time recommending approval of only the amendment filed by Qwest and Advanced Telcom on February 4, 2005.

2. Qwest Corporation and VCI Company (Case No. QWE-T-05-3). This is an Application to adopt the previously approved agreement between Qwest and 1-800 Reconex, Inc.

3. Qwest Corporation and Vycera Communications, Inc. (Case No. QWE-T-05-4). This is an Application to adopt a new agreement. The agreement is based upon Qwest’s 14 State

Negotiation Template, which basically follows Qwest's SGAT as changed by Qwest in accordance with its interpretation of the FCC's Triennial Review Order (TRO).

4. Qwest Corporation and Metropolitan Telecommunications of Idaho, Inc. (Case No. QWE-T-05-5). This is an agreement to adopt the previously approved agreement between Qwest and Sprint Communications, as well as two amendments to that agreement. The amendments provide terms for elimination of UNE-P and the implementation of Batch Hot Cut Processes and Discounts in accordance with the TRO, and the TRO/USTA II amendment, which addresses other changes that were included in the TRO.

5. Qwest Corporation and Pipertel Communications, LLC. (Case No. QWE-T-05-6). This is an Application to adopt a new agreement. The agreement is based upon Qwest's 14 State Negotiation Template, which basically follows Qwest's SGAT as changed by Qwest in accordance with its interpretation of the FCC's TRO.

6. Qwest Corporation and Trans National Communications International, Inc. (Case No. QWE-T-05-9). This is an Application to adopt a new agreement. The agreement is based upon Qwest's 14 State Negotiation Template, which basically follows Qwest's SGAT as changed by Qwest in accordance with its interpretation of the FCC's TRO.

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 these Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended Commission approval of the 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, 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 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.

ORDER

IT IS HEREBY ORDERED that the amended interconnection agreement of Qwest Corporation and Advanced Telecom, Inc., Case No. USW-T-98-22, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and VCI Company, Case No. QWE-T-05-3, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and Vycera Communications, Inc., Case No. QWE-T-05-4, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and Metropolitan Telecommunications of Idaho, Inc., Case No. QWE-T-05-5, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and Pipertel Communications, LLC, Case No. QWE-T-05-6, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Qwest Corporation and Trans National Communications International, Inc., Case No. QWE-T-05-9, 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 5th
day of May 2005.



PAUL KJELLANDER, PRESIDENT




MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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