

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE JOINT APPLICATION ) CASE NO. USW-T-99-5**  
**OF U S WEST COMMUNICATIONS, INC. AND )**  
**ROBERT RYDER DBA RADIO PAGING SERVICE )**  
**FOR APPROVAL OF A TYPE 1 PAGING )**  
**CONNECTION AGREEMENT PURSUANT TO 47 ) ORDER NO. 28032**  
**U.S.C. 252(e). )**  
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Pursuant to Section 252(e) of the Telecommunications Act of 1996, U S WEST Communications and Robert Ryder dba Radio Paging Service filed a Joint Application on March 4, 1999, requesting approval of an agreement for a Type 1 Paging Connection Agreement dated February 19, 1999. According to the Joint Application, the agreement was reached through voluntary negotiations between the parties without resort to mediation or arbitration. The agreement provides for connecting facilities and exchanging traffic between U S WEST in Idaho and Radio Paging Service.

Based on the record, the comments and the law, the Commission approves this interconnection agreement between U S WEST and Radio Paging Service.

**BACKGROUND**

Under the terms of the 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 negotiation only if it finds that the agreement discriminates against a telecommunication carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252 (e)(2)(A). If the Commission does not act to approve or reject the agreement within 90 days after its submission, the agreement is deemed approved. 47 U.S.C. § 252 (e)(4). The Commission's decision is not reviewable by the state courts. *Id.*

On March 16, 1999, the Commission ordered the Joint Application be processed under Modified Procedure. Order No. 27970. Only the Commission Staff filed comments during the comment period.

## STAFF RECOMMENDATION

Staff reviewed the language of this Agreement and found the terms and conditions to be essentially identical to those contained in previous agreements previously approved by this Commission. Staff, therefore, concluded that the terms or conditions in this Agreement are not discriminatory. Staff concurs with U S WEST's and Radio Paging Service's claim that the Agreement is consistent with the pro-competitive policies of the Commission, the Idaho Legislature and the Telecommunications Act of 1996 and finds that the Agreement is consistent with the public interest. Staff, therefore, recommended the Commission approve the Agreement without any changes.

## COMMISSION FINDINGS


Under the terms of the Telecommunications Act of 1996, resale 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 telecommunication carrier not a party to the agreement, or finds that implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.* Based on the information filed with the Commission, the Staff's recommendation, and on the fact no other party commented, the Commission finds that the agreement between U S WEST and Radio Paging Service is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds this Type 1 Paging Connection Agreement should be approved.

## ORDER

IT IS HEREBY ORDERED that the Type 1 Paging Connection Agreement between U S WEST Communications, Inc. and Radio Paging Service 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 this Case No. USW-T-99-5 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 this Case No. USW-T-99-5. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

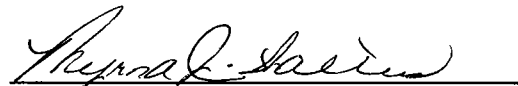
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12<sup>th</sup> day  
of May 1999.

  
DENNIS S. HANSEN, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
PAUL KJELLANDER, COMMISSIONER

ATTEST:

  
Myrna J. Walters  
Commission Secretary

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