

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION AND FRETTEL) CASE NO. USW-T-99-14
COMMUNICATIONS, LLC FOR APPROVAL)
OF AN AMENDMENT TO AN EXISTING)
INTERCONNECTION AGREEMENT) ORDER NO. 30504
PURSUANT TO 47 U.S.C § 252(e).)
_____)**

In this case the Commission is asked to approve an amendment to an Interconnection Agreement between Qwest Corporation and Fretel Communications, LLC. With this Order, the Commission approves the amendment to the agreement.

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 APPLICATION

On January 30, 2008, Qwest submitted an Application seeking Commission approval of an amendment to its Interconnection Agreement with Fretel. On August 27, 1999, the Commission approved the original Agreement between Qwest and Fretel. Order No. 28133. This Agreement seeks to amend the terms, conditions and rates for Expedite Requests for Unbundled Network Elements, as set forth in Attachment 1 and Exhibit A of Qwest’s filing. Both parties agree that this amendment will be deemed effective upon Commission approval.

Qwest is an authorized telecommunications service provider in the State of Idaho and Fretel is an Idaho limited liability company and competitive local exchange carrier ("CLEC"). The parties' Agreement includes terms and conditions for the interconnection and exchange of traffic between their respective networks.

STAFF RECOMMENDATION

The Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the proposed amendment is consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the federal Telecommunications Act. Accordingly, Staff recommended Commission approval of the amendment to the Agreement.

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 Application and the Staff's recommendation, the Commission finds that the proposed amendment to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the amendment should be approved. Approval of this Application does not negate the responsibility of either of the parties to this Agreement to obtain a Certificate of Public Convenience and Necessity (pursuant to Commission Order No. 26665) 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.

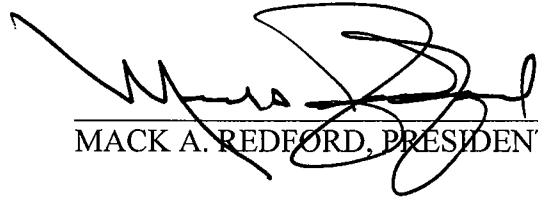
ORDER

IT IS HEREBY ORDERED that the amended Interconnection Agreement of Qwest Corporation and Fretel Communications, LLC is 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 20th day of February 2008.



MACK A. REDEFORD, PRESIDENT

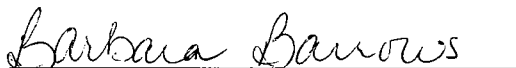
Commissioner Smith out of the office

MARSHA H. SMITH, COMMISSIONER



JIM D. KEMPTON, COMMISSIONER

ATTEST:



Barbara Barrows
Assistant Commission Secretary

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