

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. QWE-T-05-14**
 APPROVAL OF AN AMENDMENT TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 EARNEST COMMUNICATIONS, INC.)
 PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. QWE-T-11-03**
 APPROVAL OF ITS INTERCONNECTION)
 AGREEMENT AND AMENDMENT WITH)
 VERIZON WIRELESS PURSUANT TO 47)
 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. QWE-T-11-02**
 APPROVAL OF ITS INTERCONNECTION)
 AGREEMENT AND AMENDMENT WITH)
 COMMNET WIRELESS, LLC PURSUANT)
 TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION FOR) **CASE NO. QWE-T-11-01**
 APPROVAL OF ITS INTERCONNECTION)
 AGREEMENT AND AMENDMENT WITH)
 ADAMS TECHNOLOGY GROUP)
 PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF IDAHO, INC. DBA) **CASE NO. CEN-T-11-01**
 CENTURYLINK FOR APPROVAL OF ITS)
 INTERCONNECTION AGREEMENT WITH)
 VERIZON WIRELESS PURSUANT TO 47)
 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF THE GEM STATE,) **CASE NO. CGS-T-11-01**
 INC. DBA CENTURYLINK FOR APPROVAL)
 OF ITS INTERCONNECTION AGREEMENT)
 WITH VERIZON WIRELESS PURSUANT) **ORDER NO. 32198**
 TO 47 U.S.C. § 252(e))

Inc.; Qwest and Bullseye Telecom, Inc.; Qwest and Fretel Communications, LLC; and Frontier and New Edge Network, Inc. dba New Edge Networks. With this Order, the Commission approves the parties' Interconnection Agreements and Amendment to 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 APPLICATION

1. Qwest Corporation and Earnest Communications, Inc., Case No. QWE-T-05-14. On December 21, 2010, Qwest submitted an Application seeking Commission approval of an Amendment to its Interconnection Agreement with Earnest. The parties ask the Commission to approve the parties' adoption, in its entirety, of the Qwest Local Services Platform (QLSP). The QLSP acts as an interconnection agreement between the parties and sets out rates, terms and conditions for the companies to interconnect their services. The parties maintain that their Agreement was reached through voluntary negotiations.

2. Qwest Corporation and Verizon Wireless, Case No. QWE-T-11-03. On January 27, 2011, the Commission received Qwest’s Application seeking approval to enter into a Type 2 Wireless Interconnection Agreement with Verizon. The Agreement establishes the rates, terms and conditions of two-way wireless interconnection. The parties state that their Agreement was reached through voluntary negotiations and without resorting to mediation or arbitration.

3. Qwest Corporation and Commnet Wireless, LLC, Case No. QWE-T-11-02. On January 27, 2011, the Commission received Qwest's Application seeking approval to enter into a Type 2 Wireless Interconnection Agreement with Commnet. The Agreement establishes the rates, terms and conditions of two-way wireless interconnection. The parties state that their Agreement was reached through voluntary negotiations and without resorting to mediation or arbitration.

4. Qwest Corporation and Adams Technology Group, Case No. QWE-T-11-01. On January 21, 2011, the Commission received Qwest's Application seeking approval to enter into an Interconnection Agreement with Adams. On January 24, 2011, the Commission received an Application for approval of an Amendment to the Interconnection Agreement. The Amendment added broadband for resale in a "Master Services Agreement."

5. CenturyTel of Idaho, Inc. dba CenturyLink and Verizon Wireless, Case No. CEN-T-11-01 and CenturyTel of the Gem State, Inc. dba CenturyTel and Verizon Wireless, Case No. CGS-T-11-01. On February 4, 2011, the Commission received two Applications from CenturyTel of Idaho, Inc. dba CenturyLink, and CenturyTel of the Gem State, Inc. dba CenturyLink, collectively known as CenturyLink, for approval of its Interconnection Agreement with Verizon. The Agreement establishes the rates, terms and conditions based on the volume of traffic exchanged between CenturyLink and Verizon within the State of Idaho.

6. Frontier Communications Northwest Inc. and Group Six Communications, LLC, Case No. VZN-T-11-01. On February 16, 2011, the Commission received Frontier's Application seeking approval to enter into an Interconnection Agreement with Group Six. The Agreement establishes the general rates, terms and conditions for local interconnection, reciprocal compensation for the exchange of traffic, network elements, collocation, ancillary services, pricing and telecommunications services available for resale within the parties' shared Idaho service territory.

7. Qwest Corporation and Integra Telecom of Idaho, Inc., Case No. USW-T-00-05. On January 24, 2011, the Commission received Qwest's Application seeking approval to amend its existing Interconnection Agreement with Integra. The parties' original Agreement was approved by the Commission on April 28, 2000. *See* Order No. 28360. In this Application the parties ask the Commission to approve the parties' adoption of the Qwest Local Services

Platform (QLSP). The QLSP sets out rates, terms and conditions for the companies to interconnect their services.

8. Qwest Corporation and Bullseye Telecom, Inc., Case No. QWE-T-04-30. On January 24, 2011, the Commission received Qwest's Application seeking approval to amend its existing Interconnection Agreement with Bullseye. The parties' original Agreement was approved by the Commission on November 23, 2004. *See* Order No. 29640. In this Application the parties ask the Commission to approve the parties' adoption of the Qwest Local Services Platform (QLSP). The QLSP sets out rates, terms and conditions for the companies to interconnect their services.

9. Qwest Corporation and Fretel Communications, LLC, Case No. USW-T-99-14. On January 24, 2011, the Commission received Qwest's Application seeking approval to amend its existing Interconnection Agreement with Fretel. The parties' original Agreement was approved by the Commission on August 27, 1999. *See* Order No. 28133. In this Application the parties ask the Commission to approve the parties' adoption of the Qwest Local Services Platform (QLSP). The QLSP sets out rates, terms and conditions for the companies to interconnect their services.

10. Frontier Communications Northwest Inc. and New Edge Network, Inc. dba New Edge Networks, Case No. GTE-T-00-06. On February 17, 2011, the Commission received Frontier's Application seeking approval to amend its existing Interconnection Agreement with New Edge. The parties' original Agreement was approved by the Commission on May 9, 2000. *See* Order No. 28376. In this Application the parties ask the Commission to approve the parties' agreement to incorporate terms and conditions that were previously agreed to between Verizon and New Edge. Frontier recently acquired Verizon and the parties wish to extend the contract through June 30, 2013.

STAFF RECOMMENDATION

Staff reviewed the foregoing 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 Agreements and Amendments are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends that the Commission approve the Interconnection Agreements and Amendments.

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). However, the Commission's review is limited. 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 recommendations, the Commission finds that the Agreements and Amendments to existing Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements, reviewed by Staff and more fully described above, should be approved. Approval of the Agreements 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 Earnest Communications, Inc., Case No. QWE-T-05-14, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and Verizon Wireless, Case No. QWE-T-11-03, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and Commnet Wireless, LLC, Case No. QWE-T-11-02, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement and Amendment to the Interconnection Agreement between Qwest Corporation and Adams Technology Group, Case No. QWE-T-11-01, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of Idaho dba CenturyLink, and Verizon Wireless, Case No. CEN-T-11-01, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of the Gem State dba CenturyLink, and Verizon Wireless, Case No. CGS-T-11-01, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Frontier Communications Northwest Inc. and Group Six Communications, LLC, Case No. VZN-T-11-01, is approved.

IT IS FURTHER ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and Integra Telecom of Idaho, Inc., Case No. USW-T-00-05, is approved.

IT IS FURTHER ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and Bullseye Telecom, Inc., Case No. QWE-T-04-30, is approved.

IT IS FURTHER ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation and Fretel Communications, LLC, Case No. USW-T-99-14, is approved.

IT IS FURTHER ORDERED that the Amendment to the Interconnection Agreement between Frontier Communications Northwest Inc. and New Edge Network, Inc. dba New Edge Networks, Case No. GTE-T-00-06, 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 4th
day of March 2011.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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