

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF U S WEST )  
COMMUNICATIONS, INC.'S MOTION FOR ) CASE NO. USW-T-00-3  
AN ALTERNATIVE PROCEDURE TO )  
MANAGE ITS SECTION 271 ) COMMISSION FINAL DECISION  
APPLICATION. ) ON QWEST CORPORATION'S  
 ) COMPLIANCE WITH SECTION 271  
 )**

---

This case commenced more than two years ago when U S WEST Communications, Inc., which became Qwest Corporation through a merger, filed a Notice of Intention to File a Section 271 Application and a Motion for Alternative Procedure to Manage the Section 271 Process. The Commission in response to Qwest's motion determined to join a multi-state collaborative process to establish a record on Qwest's efforts to satisfy the legal requirements for its entry into the interLATA market. Since then the Commission has issued a number of procedural orders and three decisions on the substantive issues, which collectively track the procedural history of the case, not restated here. The three substantive decisions required Qwest to respond by making changes to key components of its case, which Qwest provided in a filing on May 24, 2002, entitled Notice of Updated Statement of Generally Available Terms and Conditions [SGAT] and Request for Commission Acknowledgment that Rates are Effective on June 7, 2002.

Qwest also filed on May 31, 2002 an Affidavit of Jeffrey D. Owens essentially identifying the particular changes to its SGAT and averring that the changes were made to comply with the Commission's earlier decisions. Mr. Owens is a Senior Director in the Policy and Law Organization of Qwest Corporation, with responsibilities for managing aspects of Qwest's 271 efforts, including the filing of Qwest's SGAT in each of the fourteen states in which it provides local service. In his Affidavit, Mr. Owens states that the changes Qwest made to the Idaho SGAT fall within three categories:

- 1) Changes that were recommended or required by the Multi-State Facilitator or by this Commission;
- 2) Changes that resulted from consensus or other agreements or changes made at the request of CLECs in Idaho or other states, as well as compliance language dictated by an order from the Federal Communications Commission or compliance language from other states that Qwest agreed to carry-forward to Idaho; and

COMMISSION FINAL DECISION  
ON QWEST CORPORATION'S  
COMPLIANCE WITH SECTION 271

- 3) Changes that resulted from the correction of typographical, grammatical, name change, capitalization, or other non-substantive matters, such as the deletion of redundant language or updates to web site addresses or technical standards.

Affidavit of Jeffrey D. Owens, p. 2 ¶ 4. The affidavit includes an extensive list of revisions that have been made to the SGAT to comply with Commission decisions.

### **BACKGROUND**

Section 271 of the Telecommunications Act of 1996 (47 U.S.C. § 271) establishes the means for a Bell Operating Company (BOC), which includes Qwest, to begin providing in-region interLATA and interstate telecommunication services. The determination to authorize Qwest's entry into the interLATA market is made by the Federal Communications Commission (FCC), not this or any other state commission. 47 U.S.C. § 271(b). The three decisions already issued by the Commission address different parts of the Section 271 requirements: (1) Qwest's compliance with the 14-item checklist in Section 271 (the Checklist Decision) issued November 21, 2001; (2) Qwest's Performance Assurance Plan issued March 7, 2002 (the QPAP Decision); and (3) a decision on public interest, Track A, and Section 272 issued April 19, 2002 (the Public Interest Decision). Each decision identified issues that remained open and conditioned Commission approval on satisfactory resolution of those issues.

### **DISCUSSION**

#### ***The Checklist Decision.***

Section 271 contains a checklist of 14 items relating to access and interconnection a BOC must meet in each state where it provides local service. 47 U.S.C. § 271(c)(2)(B). The checklist identifies broadly stated requirements or categories for access and interconnection Qwest must provide to competitors desiring interconnection with its facilities. The Commission in the Checklist Decision stated it "is prepared, when consulted by the FCC, to report that Qwest satisfies the access and interconnection requirements of the competitive checklist in 47 U.S.C. § 271(c)(2)(B), so long as Qwest revises its SGAT as set forth in this decision and as may be necessary as this case proceeds to its conclusion." Checklist Decision p. 10. Qwest asserts in its May 24, 2002 filing that it has responded to the issues identified by the Commission, including revisions to SGAT terms resulting from other state commission decisions.

The revised SGAT filed by Qwest on May 24 contains the revisions required by the Commission in its Checklist Decision. Included in the changes made by Qwest are those