

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of QWEST)
CORPORATION for Arbitration of an) DOCKET NO. 04-049-145
Interconnection Agreement with UNION)
TELEPHONE COMPANY d/b/a UNION) ORDER ON PETITION FOR
CELLULAR under Section 252 of the) CLARIFICATION AND
Federal Telecommunications Act) RECONSIDERATION
)

ISSUED: May 30, 2008

By The Commission:

PROCEDURAL HISTORY

On May 5, 2008, Qwest Corporation (“Qwest”) filed a Petition for Reconsideration and Clarification (“Petition”) of our Order of April 3, 2008, (“April 2008 Order”) seeking: (1) clarification concerning whether the Commission has adopted Union Telephone Company d/b/a Union Cellular’s (“Union”) additional contract language for Sections 6.2.2 and 6.2.4.1.1 of the arbitrated interconnection agreement (“ICA”), and (2) reconsideration of the April 2008 Order to the extent the Commission has adopted the language referenced above since said language is inconsistent with the April 2008 Order’s resolution of the parties’ dispute regarding the location of the point of interconnection (“POI”).

In its Response filed May 20, 2008, Union argues the Commission’s decision regarding ICA Sections 6.2.2 and 6.2.4.1.1 is not inconsistent with its resolution of the parties’ dispute regarding the location of the POI, and asks the Commission to reject Qwest’s Petition.

We issue this order clarifying our April 2008 Order and rescinding that portion of said Order pertaining to Sections 6.2.2 and 6.2.4.1.1.

DISCUSSION AND CONCLUSION

As presented by the parties and denominated in the Joint Disputed Issues Matrix presented at hearing, Issue 1 in the subject arbitration concerned the “Type of Interconnection” between the parties; specifically, the use of the term “Type2” throughout the proposed ICA. Qwest argued the ICA should specify the parties’ mode of interconnection as a Type 2 interconnection. Union argued nothing in law or regulation required the ICA to specify the type of interconnection and sought to delete the phrase “Type 2” from the ICA. However, Issue 1 also included two proposed sections that form the basis of Qwest’s request for clarification or reconsideration in this matter.

Qwest’s proposed Section 6.2.2, entitled “Wireless Interconnection Requirements,” contained multiple subsections referring to the specific Type 2 connections permitted under the ICA and the circumstances under which said Type 2 connections may be used. In addition, Qwest’s proposed Section 6.2.4.1.1 stated “Local Traffic will be exchanged as Type 2 service.” For each of these sections, Union proposed deleting all of Qwest’s language and replacing it with the following: “Each Party will establish a one-way trunk group from its network to the other Party’s access tandem or end-office switch(es) as required to provide at least .001 grade of service.” In its April 2008 Order, the Commission concluded “the ICA need not identify the type of interconnection as Type 1 or Type 2.” The Administrative Law Judge (“ALJ”) recommended the Commission adopt Union’s proposed language and the Commission did so.

Issue 3, “Locations of the Point of Interconnection”, concerned several proposed ICA sections specifying the appropriate POI between Qwest and Union. Qwest’s proposed language would require that the POI for Union must be within Qwest’s serving territory within the LATA. Union requested that the POI be established at any technically feasible location selected by Union within Qwest’s network. The ALJ concluded Qwest has no obligation to interconnect with a requesting carrier outside its ILEC territory within a LATA. The Commission therefore adopted Qwest’s proposed ICA language.

In its Petition, Qwest seeks clarification or reconsideration of a perceived conflict between Sections 6.2.2 and 6.2.4.1.1 and our conclusion that Qwest has no obligation to interconnect with a requesting carrier outside its ILEC territory within a LATA. Qwest argues the language of Sections 6.2.2 and 6.2.4.1.1 would require Qwest to create a POI at a point within Union’s network in Wyoming—the location of Union’s access tandem. Having reconsidered this matter, we agree. Furthermore, such a requirement would be beyond the scope of Qwest’s federally-mandated obligations. We did not intend our adoption of Union’s proposed language pertaining to the issue of Type 2 interconnection to impose such a requirement.

Wherefore, having reconsidered this matter and for good cause appearing, the Commission issues this Order rescinding that portion of its April 2008 Order adopting Union’s proposed language for ICA Sections 6.2.2. and 6.2.4.1.1. However, given our prior conclusion that the ICA need not identify the type of interconnection as Type 1 or Type 2, we do not adopt Qwest’s proposed language for Sections 6.2.2 and 6.2.4.1.1. Instead, we rely on the parties to adopt mutually-agreed language for these sections consistent with our clarifying comments

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contained herein, as well as the findings and conclusions announced in our April 2008 Order. We further direct the parties to submit an interconnection agreement that includes the terms and conditions reflecting their mutual agreement and consistent with the Commission's resolution of the disputed issues discussed and resolved herein and in our April 2008 Order as modified by this Order.

DATED at Salt Lake City, Utah, this 30th day of May, 2008.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#57620