DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

WAYNE HART

DAVID SCOTT

WORKING FILE

FROM:BRAD PURDY

DATE:OCTOBER 7, 1997

RE:CASE NO. MAX-T-97-1; IN THE MATTER OF THE APPLICATION OF MAX-TEL COMMUNICATIONS, INC. FOR APPROVAL OF AN INTER­CONNECTION AGREEMENT BETWEEN MAX-TEL AND U S WEST COMMUNICATIONS

On March 11, 1997, Max-Tel Communications, Inc. (Max-Tel) submitted an Interconnec­tion Agreement with U S WEST for approval by the Commission.  On September 16, 1997, the Commission issued a Notice of Modified Procedure soliciting comments in response to Max-Tel’s Agreement.  The only party to file comments was the Commission Staff.

Staff notes that Max-Tel’s filing indicates that the Agreement was reached through voluntary negotiations and was submitted to the Commission for approval pursuant to Section 252(e) of the Telecommunications Act of 1996 (the Act).  Section 252(e) of the Act sets the guidelines for approval of Interconnection Agreements as follows:

(e) APPROVAL BY STATE COMMISSION.—

(1)APPROVAL REQUIRED.—Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the state commission.  A state commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2)GROUNDS FOR REJECTION.—The state commission may only reject—

A.An agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—

(i)the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii)the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

47 U.S.C.§ 252(e)

Staff notes that the Agreement submitted by Max-Tel is the original standard resale agreement offered by U S WEST to companies seeking to provide competitive local exchange service.  Staff compared the Max-Tel Agreement with the U S WEST—Citizens Telecommunications Agreement approved by the Commission in Order No. 26778 and found the general terms and conditions to be identical in the two Agreements.  Moreover, Staff does not find that the aforementioned grounds for rejection of interconnection agreements as provided for in the Act exist in this case.  Staff recommends that the Commission approve the Interconnection Agreement as filed.

Commission Decision

Does the Commission wish to approve Max-Tel’s Interconnection Agreement with U S WEST?

Brad Purdy

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