

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** GRACE SEAMAN

**DATE:** MARCH 15, 2005

**RE:** STAFF REVIEW OF AMENDMENTS TO INTERCONNECTION  
AGREEMENTS; CASE NOS. QWE-T-00-7; QWE-T-02-22; AND  
QWE-T-03-3.

### BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements 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 provisions of Sections 251(b) or (c).” Order No. 82427 at 11 (emphasis 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 no comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

### THE CURRENT APPLICATIONS

1. Qwest Corp. and McLeodUSA Telecommunications Services, Inc. (Case No. QWE-T-00-7). Amends the existing interconnection agreement approved by the

Commission on November 13, 2000. This amendment incorporates terms, conditions and rates for Expedites for Design Services.

2. Qwest Corp. and MCImetro Access Transmission Services, LLC (Case No. QWE-T-02-22). Amends the existing interconnection agreement approved by the Commission on November 21, 2002. This amendment incorporates terms, conditions and rates for Commercial Line-Sharing.

3. Qwest Corp. and Contact Communications, Inc. (Case No. QWE-T-03-3). Amends the existing interconnection agreement approved by the Commission on January 29, 2003. This amendment eliminates UNE-P and incorporates the implementation of Batch Hot Cut Process.

#### **STAFF ANALYSIS**

Staff has reviewed the Applications and does not find that any terms or conditions are discriminatory or contrary to the public interest. Staff believes that these Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends Commission approval of the amendments.

#### **COMMISSION DECISION**

Does the Commission wish to approve these amendments?

  
Grace Seaman

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