

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: CAROLEE HALL

DATE: APRIL 21, 2009

RE: APPLICATION FOR APPROVAL OF AN AMENDED
INTERCONNECTION AGREEMENT BETWEEN QWEST
CORPORATION (QWEST) AND MCLEODUSA
TELECOMMUNICATIONS SERVICES, INC. DBA PAETEC BUSINESS
SERVICES. CASE NO. QWE-T-00-7.

BACKGROUND

Under the provision 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 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.

CURRENT APPLICATION

On April 9, 2009, this Commission received an amended Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc. dba PAETEC Business Services (“McLeodUSA”) in Case No. QWE-T-00-7.

This Amended Agreement sets forth the rate elements for Collocation contained in Exhibit A as well as rate elements for engineering and installation labor.

STAFF ANALYSIS

Staff has reviewed the Application and finds that the Amended Application does not appear to contain any terms or conditions that may be consider discriminatory or contrary to the public interest. Staff believes that the Amended Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission wish to accept and approve the amended Interconnection Agreement?



Carolee Hall

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