

DECISION MEMORANDUM

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

FROM: GRACE SEAMAN

DATE: FEBRUARY 28, 2005

RE: STAFF REVIEW OF AMENDMENTS TO INTERCONNECTION
AGREEMENTS; CASE NOS. QWE-T-04-9; QWE-T-04-12; QWE-T-01-15;
QWE-T-00-13; USW-T-00-5; QWE-T-0-7; AND QWE-T-03-18

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).

THE CURRENT APPLICATIONS

The Commission has been asked to approve amendments to existing interconnection agreements. According to the filings, the amendments are a result of regulatory uncertainty in light of the DC Circuit Court's decision in the United States Telecom Association v. FCC, 359 F3d 554 (March 2, 2004). The filings address arrangement for the continued availability of Qwest services that are technically and functionally equivalent to the June 14, 2004 UNE-P arrangements. All amendments remove UNE-P from the existing agreements and incorporate both the implementation of Batch Hot Cut process and rate discounts. Each filing is discussed in greater detail below.

1. Qwest Corp. and AT&T Communications of the Mountain States, Inc. (Case No. QWE-T-04-9). Amends the existing interconnection agreement approved by the Commission on June 22, 2004. This filing includes Batch Hot Cut installations, but not the rate discounts.
2. Qwest Corp. and 1-800-Reconex (Case No. QWE-T-04-12). Amends the existing interconnection agreement approved by the Commission on June 22, 2004.
3. Qwest Corp. and Preferred Carrier Services, Inc. dba Phones for All (Case No. QWE-T-01-15). Amends the existing interconnection agreement approved by the Commission on August 22, 2001.
4. Qwest Corp. and Eschelon Telecom, Inc. (Case No. QWE-T-00-13). Amends the existing interconnection agreement approved by the Commission on November 20, 2000.
5. Qwest Corp. and Integra Telecom of Idaho, Inc. (Case No. USW-T-00-5). Amends the existing interconnection agreement approved by the Commission on April 26, 2000.
6. 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.
7. Qwest Corp. and IDACOMM, Inc. (Case No. QWE-T-03-18). Amends the existing interconnection agreement approved by the Commission on August 28, 2003

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 the Amendments are consistent with the recent FCC orders and 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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