

DECISION MEMORANDUM

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

FROM: DOUG COOLEY

DATE: JULY 18, 2003

**RE: STAFF REVIEW OF INTERCONNECTION AGREEMENTS; CASE
NOS. QWE-T-00-19 AND QWE-T-02-2.**

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 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 recently 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 with Section 251(b) or (c).” Order No. 28427 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 not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

THE CURRENT APPLICATIONS

The Commission has been asked to approve two amendments to existing interconnection agreements. The items are discussed in greater detail below.

1. Qwest Corporation and New Access Communications (Case No. QWE-T-00-19). In this Application, the parties request that the Commission approve an amendment to an existing

interconnection agreement. In this amendment, Performance Assurance Plan and Performance Indicator Definitions are incorporated into the existing interconnection agreement.

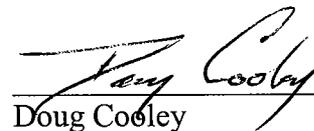
2. Qwest Corporation and XO Idaho, Inc. (Case No. QWE-T-02-22). In this amendment, terms and conditions are added for DC Power Reduction Procedures.

STAFF ANALYSIS

Staff has reviewed the Applications and did not find that any terms or conditions are discriminatory or contrary to the public interest. Staff believes that the agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the Federal Telecommunications Act. Accordingly, Staff believes that the agreements merit the Commission's approval.

COMMISSION DECISION

Does the Commission approve the Applications for amendments to existing interconnection agreements?



Doug Cooley

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