

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: JANUARY 21, 2010

**RE: APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN QWEST AND SPRINT
SPECTRUM L.P.; CASE NO. QWE-T-02-21.**

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 January 15, 2010, Qwest filed an Application requesting Commission Approval to amend its Interconnection Agreement with Sprint Spectrum L.P. According to the Application, this Amendment between the parties sets out terms and conditions to accommodate Sprint’s wireless service provisions for routing unqueried 8XXX traffic.

STAFF ANALYSIS

Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Agreement is consistent with the public interest as identified in the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreement merits the Commission's approval.

COMMISSION DECISION

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



Carolee Hall

i:\udmemos\interconnection agreements\QWE-T-02-21 (2010) Qwest and Sprint Spectrum L.P.