

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** NOVEMBER 24, 2004

**RE:** APPLICATIONS FOR APPROVAL OF AMENDMENT TO THE  
INTERCONNECTION AGREEMENTS BETWEEN QWEST  
CORPORATION AND LIGHTYEAR NETWORK SOLUTIONS, LLC,  
AND CONTACT COMMUNICATIONS, INC.; CASE NOS. QWE-T-03-3  
AND QWE-T-04-19

### 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 APPLICATIONS

1. Qwest Corporation and Contact Communications, Inc. Case No. QWE-T-03-3 filed October 1, 2004. Contact and Qwest agreed to amend the terms, conditions and rates

for Commercial Line-Sharing, as set forth in the Attachments 1 and Exhibit A that are attached and incorporated into its filing.

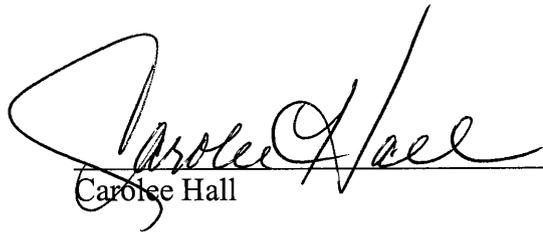
2. Qwest Corporation and Lightyear Network Solutions, LLC. Case No. QWE-T-04-19 filed November 9, 2004. Qwest and Lightyear have agreed to amend the terms, conditions and rates for Qwest DSL (with discount) provided with Unbundled Network Element Platform (UNE-P) as set forth in Attachment 1 and Exhibit A, attached and incorporated into its filing.

### **STAFF ANALYSIS**

Staff has reviewed the Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that these amendments are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that these amendments merit the Commission's approval.

### **COMMISSION DECISION**

Does the Commission wish to accept and approve the above mentioned amendments to the Interconnection Agreements?



Carolee Hall

u/chall/decision memos/adopting interconnection agreements/contact communications, inc and lightyear network solutions, llc