

DECISION MEMORANDUM

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

FROM: DOUG COOLEY

DATE: NOVEMBER 7, 2003

**RE: STAFF REVIEW OF INTERCONNECTION AGREEMENTS; CASE
NOS. QWE-T-03-26, USW-T-99-30, AND QWE-T-03-22.**

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 interconnection agreements and one amendment to an existing interconnection agreement. The items are discussed in greater detail below.

1. Qwest Corporation and ACN Communication Services, Inc. (Case No. QWE-T-03-26). In this Application, the parties request that the Commission approve an interconnection agreement. The agreement is referred to as Qwest's Third Revision of a Statement of Generally Available Terms for interconnection or SGAT.

2. Qwest Corporation and Multiband Communications, Inc. (Case No. USW-T-99-30). In this amendment, terms and conditions are added for certain dark fiber elements.

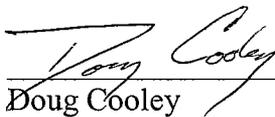
3. Qwest Corporation and High Tech Telephones (Case No. QWE-T-03-22). In this Application, the parties request that the Commission approve a resale interconnection agreement.

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 interconnection and amendment to an existing interconnection agreement?



Doug Cooley

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