

## DECISION MEMORANDUM

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

**FROM:** GRACE SEAMAN

**DATE:** FEBRUARY 2, 2005

**RE:** STAFF REVIEW OF AMENDMENTS TO INTERCONNECTION  
AGREEMENTS; CASE NOS. QWE-T-03-26 AND QWE-T-04-12.

### 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). 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 provisions of Sections 251(b) or (c).” Order No. 82427 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

1. Qwest Corp. and ACN Communications Services, Inc. (Case No. QWE-T-03-26). In this case, the parties seek approval to amend the existing Interconnection Agreement approved by the Commission on November 17, 2003. The Amendment eliminates UNE-P and incorporates the implementation of Batch Hot Cut process and discounts.

2. Qwest Corp. and 1-800-Reconex, Inc. dba USTel. (Case No. QWE-T-04-12). In this case, the parties seek approval to amend the existing Interconnection Agreement approved by the Commission on June 22, 2004. The Amendment incorporates the Triennial Review Order (TRO) and the USTA II Decision.

#### **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 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 the Applications for Approval of Amendment to the Interconnection Agreements?

  
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Grace Seaman

i:udmemos/QWE Amends