

DECISION MEMORANDUM

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

FROM: WAYNE HART

DATE: NOVEMBER 4, 2005

RE: STAFF REVIEW OF INTERCONNECTION AGREEMENTS AND AMENDMENTS: CASE NOS. QWE-T-02-2 (INTERIM PERIOD AGREEMENT AND AMENDMENT); QWE-T-03-18; QWE-T-04-3; QWE-T-04-13; CTC-T-05-5 AND CTC-T-05-6.

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).

THE CURRENT APPLICATIONS

1. Qwest & XO Communications Services, Inc. (Case No. QWE-T-02-2) There are two applications under this case number. The first is an Interim Period Agreement, and the second is an amendment to this Interim Period Agreement. XO Communications Services, Inc is the surviving entity of the merger between the former XO and Allegiance Companies. While the Companies have been negotiating a new agreement to address issues raised by the merger, some issues have yet to be resolved. This Interim Period Agreement provides terms and conditions for operations while the parties complete the negotiations for a complete agreement. Subsequent to

the execution of this Interim Agreement, the merger was finalized in the State of Colorado. The Amendment to the Interim Agreement adds the merged Colorado entities to the agreement.

2. Qwest and IDACOMM, Inc. (Case No. QWE-T-03-18) This application seeks approval of the Triennial Review Order and Triennial Review Remand Order (TRO/TRRO) Amendment. This amendment adds terms to implement the provisions of the FCC's TRO and TRRO decisions. The Commission has previously approved other agreements containing this amendment.

3. Qwest and Granite Communications, LLC. (Case No QWE-T-04-3) This application seeks approval of an amendment providing terms for expedited design services. The Commission has previously approved other agreements containing this amendment.

4. Qwest and OrbitCom, Inc. (Case No QWE-T-04-13) This application seeks approval of the Triennial Review Order and Triennial Review Remand Order (TRO/TRRO) Amendment. This amendment adds terms to implement the provisions of the FCC's TRO and TRRO decisions. The Commission has previously approved other agreements containing this amendment.

5. Frontier (Citizens Telecommunications Company of Idaho) and PageData LLC. (Case No. CTC-T-05-5) This is an application for a new agreement providing terms for the interconnection of Frontier and PageData's networks for the exchange of local exchange and EAS traffic. The agreement specifies terms for the point of interconnection, compensation for call termination of traffic (bill and keep), exchange of wireless-wireline traffic (\$0.0112/minute), coordination for design and construction of interconnection facilities, network management, quality of service, and SS7 network usage and administration. The agreement also contains provisions outlining the term of the agreement, amendments, assignment, liability, severability, confidentiality, controlling law, default and dispute resolution (Disputes not resolved by the parties would be submitted to the Commission for non-binding mediation. If this is not successful, either party may formally take the matter to the Commission, if it has jurisdiction, or an appropriate court.) These terms are essentially the same as included in the Frontier-IDACOMM agreement previously approved by the Commission.

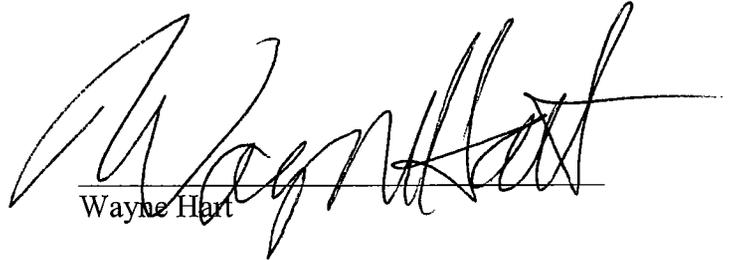
6. Frontier and Wavesent, LLC. (Case No. CTC-T-05-6) This application seeks approval of the same agreement as described above between Frontier and PageData.

STAFF ANALYSIS

The Staff has reviewed all of these Applications and did not find any terms and 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 new Agreements and Amendments to previously approved interconnection agreements merit the Commission's approval.

COMMISSION DECISION

Does the Commission wish to approve the Applications for Approval of the Interconnection Agreements and Amendments listed above?



Wayne Hart

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