

DECISION MEMORANDUM

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

FROM: GRACE SEAMAN

DATE: SEPTEMBER 2, 2004

RE: STAFF REVIEW OF SGAT AND INTERCONNECTION AGREEMENTS;
CASE NOS. QWE-T-04-21 AND QWE-T-04-22

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 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 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 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

The Commission has been asked to approve the adoption of two SGAT agreements. These applications are discussed in greater detail below.

1. Qwest Corporation and Southwestern Bell Services aka SBC Long Distance (Case No. QWE-T-04-21). This is a joint Application for Approval of Agreement to Adopt SGAT submitted on August 27, 2004.

2. Qwest Corporation and Talk America Inc. (Case No. QWE-T-04-22). This is a joint Application for Approval of Agreement to Adopt SGAT submitted on August 27, 2004.

The effective SGAT and associated exhibits are as follows:

SGAT	Statement of Generally Available Terms	dated	07/25/02
Exhibit A	Idaho Rules	dated	04/26/04
Exhibit B	Service Performance Indicators	dated	06/29/03
Exhibit B1	Manual Service Order Accuracy	dated	03/12/03
Exhibit C	Service Interval Tables	dated	05/24/02
Exhibit D	Qwest Right of Way, Pole Attachment and /or Inner duct Occupancy General Information Doc.	dated	05/24/02
Exhibit E	Vertical Switch Features for UNE Switching	dated	05/24/02
Exhibit F	Special Request Process	dated	05/24/02
Exhibit G	Change Management Process (CMP)	dated	05/24/02
Exhibit H	Reserved for Future Use	dated	05/24/02
Exhibit I	Individual Case Basis (ICB)	dated	05/24/02
Exhibit J	Election of Reciprocal compensation Option	dated	05/24/02
Exhibit K	Performance Assurance Plan	dated	05/24/02
Exhibit L	Advice Adoption Letter	dated	06/29/02
Exhibit M	Interim Advice Adoption Letter	dated	05/24/02

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 the agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff believes both agreements merit the Commission's approval.

COMMISSION DECISION

Does the Commission wish to approve both applications?



Grace Seaman

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