

## DECISION MEMORANDUM

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

**FROM:** GRACE SEAMAN

**DATE:** OCTOBER 1, 2004

**RE:** INTERCONNECTION AGREEMENT BETWEEN QWEST  
CORPORATION AND QWEST COMMUNICATIONS CORPORATION;  
CASE NO. QWE-T-04-23

### 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 APPLICATION

The Joint Application for Approval of an Interconnection Agreement between Qwest Corporation (QC) and Qwest Communications Corporation (QCC) was filed on August 30, 2004. The Application seeks approval of the Parties’ interconnection agreement for the provision of Qwest’s local exchange services. Included are terms and conditions for interconnection,

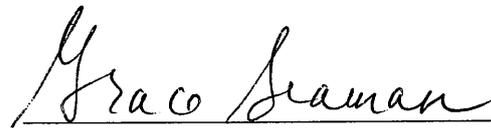
unbundled network elements, ancillary services, and resale of telecommunications services as outlined in the Third Revision of Qwest's Idaho Statement of Generally Available Terms and Conditions (SGAT), effective May 24, 2002 (July 25, 2002 Errata).

### **STAFF ANALYSIS**

An Application between Qwest and its subsidiary necessitated a circumspect review of this filing to ensure the agreement did not contain discriminatory terms and conditions. After close review, Staff did not find that any terms or conditions are discriminatory or contrary to the public interest. Additionally, similar Applications between QC and QCC have been approved in other states. Based upon the review of these state commissions and Staff's own examination, Staff believes the agreement merits the Commission's approval.

### **COMMISSION DECISION**

Does the Commission wish to approve Qwest's Application for Approval of Interconnection Agreement?

  
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Grace Seaman

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