

## DECISION MEMORANDUM

**TO:** COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSIONER KEMPTON  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** CAROLEE HALL

**DATE:** NOVEMBER 15, 2007

**RE:** JOINT APPLICATION BETWEEN QWEST CORPORATION (“QWEST”) AND QWEST COMMUNICATIONS CORPORATION (“QCC”) FOR APPROVAL OF AMENDMENTS TO THE INTERCONNECTION AGREEMENT BETWEEN THE COMPANIES. CASE NO. QWE-T-04-23.

### BACKGROUND

Under the provision 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 provision of Section 251 (b) or (c).” Order No. 28427 at 11 (emphasis in 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.

### CURRENT APPLICATION

Qwest and QCC’s Application for Approval of the Amendment to the Interconnection Agreement (“Amendment”), which was approved by the Idaho Public Utilities Commission on October 6, 2004 (the “Agreement”). Case No. QWE-T-04-23.

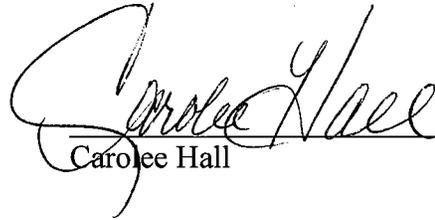
The Application between Qwest and QCC states that the parties are jointly filing and that the Amendments were reached through voluntary negotiations without resort to mediation. The Amendment adds terms, conditions and rates for the exchange of Voice over Internet Protocol ("VoIP") traffic as defined and set forth in Attachment 1 to this Amendment.

#### **STAFF ANALYSIS AND RECOMMENDATION**

Staff has reviewed the Application for the Amendment and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes the Amendment is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Amendments merit the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree?



Carolee Hall

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