

DECISION MEMORANDUM

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

FROM: GRACE SEAMAN

DATE: DECEMBER 14, 2004

RE: QWEST CORPORATION AND NORTHSTAR TELECOM, INC.
APPLICATION FOR APPROVAL OF AMENDMENT TO
INTERCONNECTION AGREEMENT; CASE NO. QWE-T-04-26.

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 by Qwest and NorthStar Telecom, Inc., seeks approval to amend the existing Interconnection Agreement approved by the Commission on December 6, 2004. The amendment incorporates the Triennial Review Order (TRO) and the USTA II Decision.

STAFF ANALYSIS

Staff has reviewed the Application and does not find that any terms or conditions are discriminatory or contrary to the public interest. Staff believes that the agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends Commission approval of the amendment.

COMMISSION DECISION

Does the Commission wish to approve the Application for amendment to the existing interconnection agreement?

A handwritten signature in cursive script that reads "Grace Seaman". The signature is written in black ink and is positioned above a horizontal line.

Grace Seaman

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