

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: MAY 22, 2006

RE: PACIFIC CENTREX SERVICES, INC. – PCS1 APPLICATION FOR APPROVAL TO ADOPT THE INTERCONNECTION AGREEMENT BETWEEN QWEST (FKA U S WEST) AND TIME WARNER TELECOM OF IDAHO, CASE NO. QWE-T-06-11.

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

In this Application in Case No. QWE-T-06-11, Pacific Centrex Services, Inc. – PCS1 seeks Commission approval to adopt the Agreement entered into between Qwest Corporation and Time Warner Telecom of Idaho. The Agreement between Time Warner Telecom of Idaho

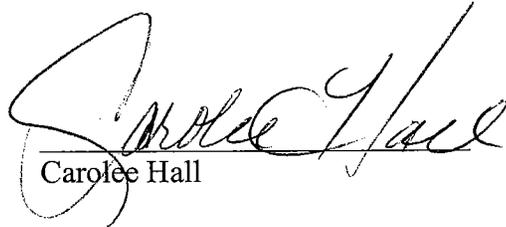
and Qwest was approved by this Commission on August 2, 2004, in Case No. QWE-T-04-20. See Order No. 29559. Pacific Centrex Services and Qwest also agree that the Interconnection Agreement will be adopted in its entirety with all terms and any associated amendments, if applicable, as approved by this Commission since August 2, 2004.

STAFF ANALYSIS

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

COMMISSION DECISION

Does the Commission wish to accept and approve this Interconnection Agreement?



Carolee Hall

chall/Interconnection Agreements/QWE-T-06-11 Pacific Centrex Services, Inc and Time Warner