

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: SEPTEMBER 12, 2006

RE: APPLICATION FOR APPROVAL OF TYPE 2 WIRELESS
INTERCONNECTION AGREEMENT BETWEEN QWEST
CORPORATION AND CLARK COMMUNICATIONS, INC.
("CLARK"). CASE NO. QWE-T-06-19.

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 Corporation and Clark. Case No. QWE-T-06-19. Qwest initially filed its Application on August 30, 2006. After review, Staff and Qwest worked to correct the filing so that the cover letter, Agreement and Application all reflected the services that Clark was

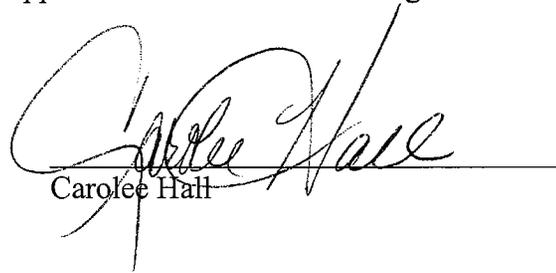
providing. On September 7, 2006, Qwest submitted the revised information with the agreed upon changes. Qwest states that the revised Agreement was jointly entered into between Qwest and Clark and provides for both companies to interconnect their facilities thereby providing customers with increased choices among local telecommunications services.

STAFF ANALYSIS

Staff has reviewed the revised 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 revised Agreement merits the Commission's approval.

COMMISSION DECISION

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



Carolee Hall

i:udmemos/QWET06.19 Clark Com Type 2 Wireless