

DECISION MEMORANDUM

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

FROM: GRACE SEAMAN

DATE: JULY 27, 2007

RE: STAFF REVIEW OF QWEST INTERCONNECTION AGREEMENTS:
CASE NOS. QWE-T-07-05 AND QWE-T-06-24.

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).

CURRENT APPLICATIONS

The Commission has been asked to approve the following Qwest Applications.

1. Qwest Corporation and American Fiber Network (Case No. QWE-T-07-05). In this filing submitted on July 16, 2007, the parties request approval for an Application for Approval of Agreement to adopt the 360networks USA, Inc. interconnection agreement approved by the Commission on March 7, 2006.

2. Qwest Corporation and Verizon Business Network Services, Inc. (Case No. QWE-T-06-24). On July 16, 2007, Qwest filed a request to withdraw an amendment approved by the Commission on June 6, 2007. *See* Order No. 30338. Qwest filed the Business Escalation Agreement between Qwest Services Corporation and its affiliates and Verizon Business Network Services, Inc. and its affiliates. After submitting the filing, it became evident to Qwest that the

intended scope of the agreement did not include escalation procedures for the services provided under the interconnection agreement. In its place, the parties have entered into a separate amended Business Escalation Agreement to clearly reflect escalation procedures. Thus, Qwest requests that the Commission withdraw the approved amendment that was filed on June 6, 2007. With this action, the parties specifically acknowledge that the agreement is not intended to amend any of the parties' existing interconnection agreements.

STAFF ANALYSIS

Staff has reviewed the Applications and does not find that any terms or conditions are discriminatory or contrary to the public interest. Staff believes that the Applications are consistent with the FCC orders and pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends Commission approval of the Applications for Approval of Amendment to the Interconnection Agreements.

COMMISSION DECISION

Does the Commission wish to approve these Applications?



Grace Seaman

GS:udmemos/qwet07-05and qwet06-24