

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: SEPTEMBER 25, 2008

**RE: APPLICATION FOR APPROVAL OF AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN QWEST
CORPORATION (“QWEST”) AND MCIMETRO ACCESS
TRANSMISSION SERVICES LLC (“MCI”).
CASE NO. QWE-T-06-24.**

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.

BACKGROUND

On September 17, 2008, an Application between Qwest Corporation and MCI was filed in Case No. QWE-T-06-24. The parties entered into an Interconnection Agreement for service in the

State of Idaho, which was approved by this Commission on February 1, 2007. MCImetro provides toll free transit service (“Toll Free 8YY Transit Service”).

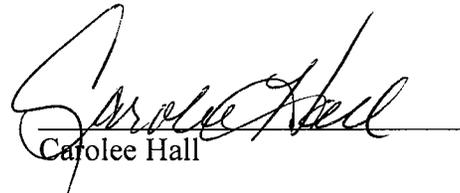
This is an amendment to incorporate certain terms and conditions related to Originated Toll Free Service JPSA traffic into the Agreement between the companies.¹ Part of the additional terms and conditions will permit 8XX Third Party Carriers to route unqueried originated Toll Free Service JPSA traffic to the CLEC for the 8XX database dip, and to route the queried traffic to IXCs served by Qwest as JPSA traffic via CLEC’s LIS trunks.

STAFF ANALYSIS

Staff has reviewed the current Application in Case No. QWE-T-06-24 and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes this filing 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 the Interconnection Agreement for Case No. QWE-T-06-24?



Carolee Hall

i:\udmemos\Interconnection Agreements\QWE-T-06-24 QWEST and MCImetro ACCESS TRANSMISSION

¹ JPSA – Jointly Provided Switched Access is defined and governed by the FCC and state access Tariffs, Multiple Exchange Carrier Access Billing (MECAB) and Multiple Exchange Carrier Ordering and Design (MECOD) Guidelines and based on LERG routing. Attachment 1 (2).