

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: OCTOBER 17, 2007

RE: APPLICATION FOR APPROVAL OF THE INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION (“QWEST”)
AND NOS COMMUNICATIONS, INC. (“NOS”); CASE NO. QWE-T-07-9.

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 14, 2007, an Application between Qwest Corporation and NOS was filed in Case No. QWE-T-07-7. The interconnection agreement filed in that case contained two exhibits with an effective date of June 26, 2007; however, those exhibits contain changes that have not yet been acted upon by this Commission and are currently under Staff review.

Staff contacted the Company regarding this matter and on October 10, 2007, Qwest sent a new Application and letter requesting that Case No. QWE-T-07-7 be withdrawn. The new Application was

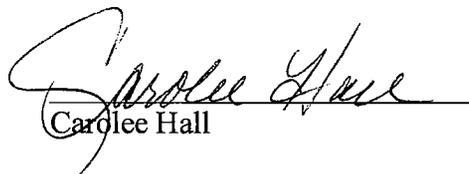
assigned Case No. QWE-T-07-9 and it now contains the appropriate exhibits that the Commission has approved.

STAFF ANALYSIS

Staff has reviewed the current Application in Case No. QWE-T-07-9 and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that this filing is now 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-07-9?


Carolee Hall

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