

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: JANUARY 16, 2009

**RE: APPLICATION FOR APPROVAL OF PAGING TYPE 1 AND TYPE 2
AGREEMENT BETWEEN QWEST CORPORATION AND WAVESENT LLC
(WAVESENT). CASE NO. QWE-T-08-11.**

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

Qwest Corporation and WaveSent in Case No. QWE-T-08-11 filed December 31, 2008, are asking the Commission to approve a Type 1 and Type 2 Paging Interconnection Agreement. According to the Agreement, a Type 1 Paging Service is a one-way final route trunk group between Qwest’s serving wirecenter, or in some circumstances the Dial Tone Office, and Paging Providers’

Point of Connection ("POC"). A Type 2 service is a one-way intraLATA/intrastate final route Trunk Group between Qwest's local and LATA/Toll Tandems and end office switches and a paging provider's point of connection.

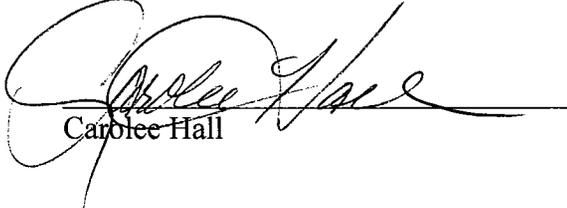
The parties have indicated that this Interconnection Agreement was jointly entered into through voluntary negotiations without resort to mediation or arbitration and is submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

STAFF ANALYSIS

Staff has reviewed the Application and finds that it satisfies Section 252(e)(2) of the Act that directs the state Commission to reject if the Agreement is found to 1) discriminate against a telecommunications carrier not a party to this agreement; or 2) the implementation of such an agreement (or portion) is not consistent with the public interest, convenience and necessity. Staff believes that this 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 recommends approval.

COMMISSION DECISION

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



Carolee Hall