

## DECISION MEMORANDUM

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

**FROM: GRACE SEAMAN**

**DATE: MAY 29, 2009**

**RE: QWEST'S APPLICATION FOR APPROVAL OF THE  
INTERCONNECTION AGREEMENT: CASE NO. QWE-T-09-08.**

### 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 APPLICATION

On May 28, 2009, Qwest Corporation (Qwest) submitted an Application for a resale agreement with NSW Telecom, Inc. In this Application, the parties request that the Commission approve an agreement that includes terms and conditions, pricing, ancillary services and telecommunications services available for resale within the geographical areas in which both parties are providing local telecommunications services at the same time, and for which Qwest is the incumbent local exchange carrier within the State of Idaho.

### STAFF ANALYSIS

Staff has reviewed the Application and does not find that any terms or conditions are discriminatory or contrary to the public interest. Staff believes the Application is 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 Application for Approval of Amendment to the Interconnection Agreement.

**COMMISSION DECISION**

Does the Commission wish to approve this Application?

  
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Grace Seaman

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