

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: DECEMBER 2, 2010

RE: APPLICATION FOR APPROVAL OF AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN QWEST
CORPORATION (“QWEST”) AND CTC TELECOM, INC. (“CTC”);
CASE NO. QWE-T-09-14.

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.

STAFF ANALYSIS AND RECOMMENDATION

On November 24, 2010, an Application between Qwest Corporation and CTC Telecom, Inc., was filed in Case No. QWE-T-09-14. Originally this Agreement was approved by this Commission on September 3, 2009. This Agreement amends the existing Interconnection

Agreement between the parties by adding terms and conditions for Mid-Span Meet POI, as set forth in Attachment1 submitted with the Application. The Application states that the Agreement was reached through voluntary negotiations without resort to mediation or arbitration.

Staff has reviewed the current Application in Case No. QWE-T-09-14 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 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 this Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission wish to approve this amended Interconnection Agreement?



Carolee Hall

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