

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: MAY 24, 2010

RE: APPLICATION OF MILLENNIUM NETWORKS, LLC TO ADOPT THE AGREEMENT BETWEEN QWEST CORPORATION (QWEST) AND SILVER STAR TELEPHONE COMPANY (SILVERSTAR). CASE NO. QWE-T-10-02.

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

On May 21, 2010, this Commission received an Application from Millennium Networks, LLC requesting authority to adopt the Interconnection Agreement between Qwest Corporation and Silver Star Telephone Company. *See Case No. QWE-T-09-16, Order No. 30953.*

This Commission issued Order No. 31027 on March 17, 2010, granting Millennium Networks a Certificate of Public Convenience and Necessity.

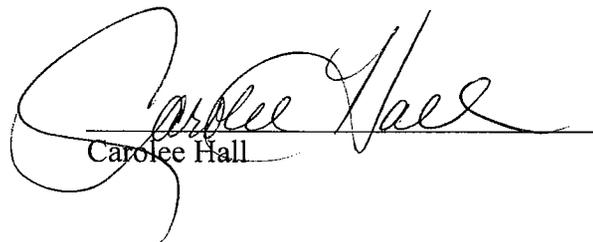
As stated in this Application, both parties request an expeditious approval process and maintain that the Agreement was reached through voluntary negotiations.

STAFF ANALYSIS

Staff has reviewed the Application to adopt the Interconnection Agreement between Qwest and Silver Star. Staff is confident that the Silver Star agreement meets the terms and conditions of this Commission and believes the adoption of that agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and Sections 251 of the federal Telecommunications Act of 1996. Accordingly, Staff believes that the request to adopt Silver Star's Interconnection Agreement with Qwest merits the Commission's approval.

COMMISSION DECISION

Does the Commission wish to accept and approve Millennium's request to adopt Silver Star's Interconnection Agreement with Qwest?



Carolee Hall

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