DECISION MEMORANDUM

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

FROM: **CAROLEE HALL**

DATE: **JUNE 4, 2010**

RE: **APPLICATION OF MILLENNIUM NETWORKS, LLC (MILLENNIUM) AMENDING ITS INTERCONNECTION AGREEMENT WITH QWEST CORPORATION (QWEST) IN 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 June 1, 2010, this Commission received an Application from Millennium Networks, LLC requesting authority to amend its Interconnection Agreement with Qwest Corporation in Case No. QWE-T-10-02. The Agreement sets out mutual terms, covenants and conditions for Mid-Span Meet Point Of Interface (POI).

As stated in the 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 amend the Interconnection Agreement between Qwest and Millennium Networks, LLC. Staff is confident that the amendment meets the terms and conditions of this Commission and believes it is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that merits the Commission's approval.

COMMISSION DECISION

Does the Commission wish to approve Millennium's amendment to its Interconnection Agreement with Qwest?

Carolee Hall

i:udmemos/QWE-T-10-02 AMENDMENT Qwest and Millennium Networks, LLC