

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: MAY 26, 2010

RE: APPLICATION FOR APPROVAL OF AN INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION (“QWEST”)
AND NEUTRAL TANDEM, INC. (“NEUTRAL TANDEM”);
CASE NO. QWE-T-10-03.

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.

APPLICATION

On May 21, 2010, Qwest and Neutral Tandem filed an Interconnection Agreement with two additional amendments in Case No. QWE-T-10-03. The accompanying Amendments provide for originated toll free service jointly provided switched access (JPSA), and four-party

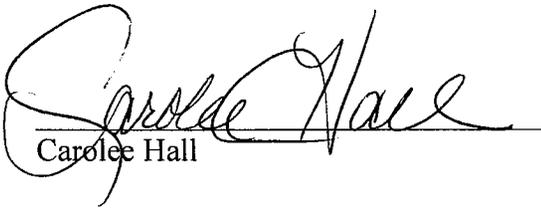
transit traffic. The parties state that the Agreement and accompanying amendments were jointly entered into and provide for both companies to interconnect their facilities.

STAFF ANALYSIS

Staff has reviewed the Application along with the amendments and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Agreement and amendments are 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 filing merits the Commission's approval.

COMMISSION DECISION

Does the Commission wish to approve this Interconnection Agreement?



Carolee Hall

i:\udmemos\QWE-T-10-03 QWEST AND NEUTRAL TANDEM, INC.