

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** MARCH 25, 2008

**RE:** APPLICATION FOR APPROVAL TO AMEND THE INTER-  
CONNECTION AGREEMENT BETWEEN QWEST CORPORATION  
("QWEST") AND IONEX COMMUNICATIONS NORTH, INC.  
("IONEX") fka ADVANCED COMMUNICATIONS GROUP AND  
FIRSTEL, INC.; CASE NO. USW-T-00-10.

### 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.

### BACKGROUND

On March 19, 2008, an Application between Qwest Corporation and Ionex was filed in Case No. USW-T-00-10. The original Agreement between the companies was approved by the Idaho Public Utilities Commission on April 28, 2000.

## STAFF ANALYSIS

This filing states that the CLEC, Ionex, wishes to amend its agreement and desires to purchase from Qwest certain combinations of Network Elements, ancillary functions, and additional features, including without limitation, the local Loop, Port, switching, and Shared Transport. Included in the filing is Attachment 1 that provides for definitions of Qwest's Local Services Platform Agreement (QLSP). Within the QLSP there are performance measures, rates, terms and conditions for each element agreed to by the parties.

Staff has reviewed the Application in Case No. USW-T-00-10 and does not find any terms or condition discriminatory or contrary to the public interest. Staff believes 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 the Agreement merits the Commission's approval.

## COMMISSION DECISION

Does the Commission wish to approve this amended Interconnection Agreement for Case No. USW-T-00-10?

  
Carolee Hall

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