

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: WAYNE HART

DATE: JUNE 4, 2004

RE: STAFF REVIEW OF INTERCONNECTION AGREEMENTS AND
AMENDMENTS: CASE NOS. QWE-T-02-3; QWE-T-03-3; QWE-T-04-1;
QWE-T-04-9; QWE-T-04-12; USW-T-99-3; USW-T-99-14; VZN-T-04-7.

BACKGROUND

Under the provisions 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).

THE CURRENT APPLICATIONS

1. Qwest and ICG Telecom Group, Inc. (Case No. QWE-T-02-3). This Application is for an amendment to update the agreement to reflect changes in regulatory requirements implemented in the Federal Communications Commission's Triennial Review Order (TRO). This amendment deals with those TRO elements that were not delegated to states for further analysis
2. Qwest and Contact Communications, Inc. (Case No. QWE-T-03-3). This Application is for two amendments to an existing interconnection agreement dealing with Collocation Available Inventory. The first amendment identifies general terms and conditions for such collocation inventory, while the second provides promotional rates for Collocation Available Inventory for a limited time period.

3. Qwest and Sprint Communications Company L.P. (Case No. QWE-T-04-1). This Application is for an amendment to an existing interconnection agreement providing terms for Qwest DSL provided with UNE-P.

4. Qwest and AT&T Communications of the Mountain States, Inc. (Case No. QWE-T-04-09). This Application seeks approval of a new agreement (replacing a previous agreement). The new agreement is based upon voluntary negotiations between the parties. The terms and conditions generally appear to be similar to those available through Qwest's Statement of Generally Available Terms (SGAT).

5. Qwest and 1-800-Reconex, Inc. dba USTel (Case No. QWE-T-04-12). This Applications seeks approval of a new agreement. The new agreement is based upon the Statement of Generally Available Terms (SGAT).

6. Qwest and Covad Communications Company (Case No. USW-T-99-3). This is an Amendment to an existing agreement that provides terms and conditions for Line Sharing provided on a commercial basis. Qwest and Covad have entered into a commercial agreement for Covad to purchase line sharing on a continuing basis.

7. Qwest and Fretel Communications, LLC. (Case No. USW-T-99-14) This is an Amendment to an existing interconnection agreement providing terms for local number portability.

8. Verizon Northwest, Inc and VOLO Communications of Idaho, Inc. (Case No. VZN-T-04-7). This Application seeks approval of a new interconnection agreement.

STAFF ANALYSIS

Staff has reviewed all of these Applications and did not find any terms and conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Agreements and Amendments are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreements and Amendments to previously approved interconnection agreements merit the Commission's approval.

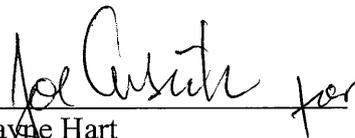
However, the Amendment to the Qwest-Covad Agreement (Case No. USW-T-99-3) is the result of negotiations between Qwest and Covad to provide Covad with access to line sharing on a commercial basis after line sharing is no longer available as an unbundled network element, due the Triennial Review Order (TRO) of the FCC. The submitted amendment allows Covad to obtain

line sharing under this interconnection agreement, at the same terms as identified in the commercial basis agreement, until the TRO becomes effective and the commercial agreement is implemented. While Staff has no objections to the terms of this amendment, the issue of whether the Qwest-Covad commercial agreement upon which it is based needs to be submitted to this Commission for approval is a matter of considerable controversy and dispute. Staff recommends that the Order approving this Amendment clarify that the Commission's approval of this Amendment does not in any way address the issues associated with the filing requirements of the Qwest-Covad commercial agreement.

COMMISSION DECISION

Does the Commission wish to approve the Applications for Approval of the Interconnection Agreements and Amendments listed above?

Does the Commission wish to clarify that the decision on the Qwest-Covad Amendment does not in any way address the issues associated with the filing requirements of the Qwest-Covad commercial agreement?


Wayne Hart

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