

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** MAY 19, 2011

**RE:** APPLICATION FOR APPROVAL TO AMEND THE INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION (QWEST) AND MCLEODUSA TELECOMMUNICATIONS SERVICES, INC. DBA PAETEC BUSINESS SERVICES. CASE NO. QWE-T-00-7.

### 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 17, 2011, this Commission received an amended Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc. dba PAETEC Business Services (“McLeodUSA”) in Case No. QWE-T-00-7.

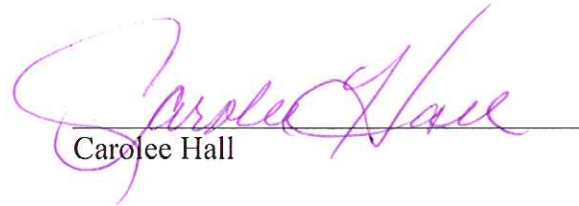
This amended Agreement modifies the terms and conditions of Attachment 2 and Exhibit A of the Qwest Local Services Platform (“QLSP”). Specifically, the parties agree that the services include tandem switching, where required, as well as end office switching and that the CLEC has the right to charge switched access to Interexchange Carriers (“IXC”) for each element as appropriate. Qwest states that no rates were changed in this Agreement for Idaho and that the parties reached this Agreement through voluntary negotiations.

#### **STAFF ANALYSIS**

Staff has reviewed the Application and finds that the amended Application does not appear to contain any terms or conditions that may be consider discriminatory or contrary to the public interest. Staff believes that the amended Agreement merits the Commission’s approval.

#### **COMMISSION DECISION**

Does the Commission agree?



Carolee Hall

i:\udmemos\QWE-T-00-07 Qwest and McLeodUSA dba PAETEC Business Services Tandem Switching and end office