

## DECISION MEMORANDUM

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

**FROM: DOUG COOLEY**

**DATE: MAY 5, 2004**

**RE: STAFF REVIEW OF INTERCONNECTION AGREEMENTS; CASE  
NOS. USW-T-00-14, QWE-T-02-22, AND QWE-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 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 recently 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 provisions with Section 251(b) or (c).” Order No. 28427 at 11 (emphasis 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.

### THE CURRENT APPLICATIONS

The Commission has been asked to approve one interconnection agreement and three amendments to existing interconnection agreements. The items are discussed in greater detail below.

1. Qwest Corporation and Time Warner Telecom of Idaho, LLC (Case No. USW-T-00-14). In this Application, the parties request that the Commission approve an amendment to an existing interconnection agreement. The amendment adds terms and conditions regarding promotions for collocation sites.

2. Qwest Corporation and MCImetro Worldcom Network Service, Inc. (Case No. QWE-T-02-22). This case involves two separate amendments. In the first, the parties add terms regarding Business Escalation Agreements. In the second, the parties add terms regarding Qwest DSL provided with UNE-P.

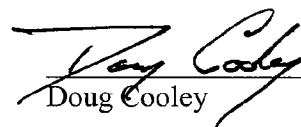
3. Qwest Corporation and Comtech21, LLC. (Case No. QWE-T-04-07). In this case, the parties request that the Commission approve an interconnection agreement. The terms are similar to those already approved by this Commission and commonly known as Qwest's Third Revision of its SGAT.

#### **STAFF ANALYSIS**

Staff has reviewed the Applications and did not find that any terms or conditions are discriminatory or contrary to the public interest. Staff believes that the agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff believes that the agreements merit the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission approve the Applications for interconnection and amendments to existing interconnection agreements?

  
Doug Cooley

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