

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: OCTOBER 30, 2008

RE: JOINT APPLICATION BETWEEN QWEST CORPORATION (“QWEST”) AND SPRINT COMMUNICATIONS, L.P. (“SPRINT”) FOR APPROVAL TO AMEND THE INTERCONNECTION AGREEMENT BETWEEN THE COMPANIES; CASE NO. QWE-T-04-1.

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 APPLICATIONS

On October 17, 2008, Qwest and Sprint filed an Application to amend the Interconnection Agreement that was initially approved by the Idaho Public Utilities Commission on January 13, 2004, as referenced in Case No. QWE-T-04-1, Order No. 29417.

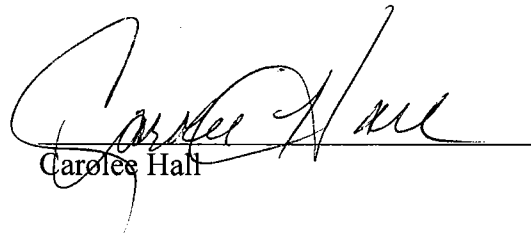
The Application to amend the interconnection agreement between Qwest and Sprint states that the parties are jointly filing and that this amendment was reached through voluntary negotiations without resort to mediation. In this amendment, the parties seek Commission authority to incorporate the Voice over Internet Protocol (VoIP) services into the agreement between the Companies. Also as part of the amended agreement is Attachment 1, which sets out definitions, interconnection terms, and exchange service arrangements for ISP – Bound and VoiP traffic.

STAFF ANALYSIS AND RECOMMENDATION

Staff has reviewed the Application between the companies and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the amended agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the amended Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

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