

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye
Ken Nickolai
Marshall Johnson
Phyllis Reha
Thomas Pugh

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Joint Application for
Approval of the Line-Sharing Exit Amendment
to an Interconnection Agreement Between
Sprint Communications Company L.P. and
Qwest Corporation

ISSUE DATE: March 10, 2005

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ORDER APPROVING INTERCONNECTION
AGREEMENT AMENDMENT

PROCEDURAL HISTORY

On December 27, 2004, Sprint Communications Company L.P. (Sprint) and Qwest Corporation (Qwest) filed a negotiated amendment to their interconnection agreement for Commission review under 47 U.S.C. § 252(e).

On January 5, 2005, the Minnesota Department of Commerce (the Department) filed comments recommending that the Commission reject the amendment on grounds that its failure to require Commission review of future changes to the agreement was inconsistent with the public interest, convenience and necessity.

On February 4, 2005, the companies filed a revision to the agreement eliminating terms providing for changes that would take effect without Commission review.

On March 3, 2005, the matter came before the Commission. At that time, the Department withdrew its objection and recommended approval of the amendment.

FINDINGS AND CONCLUSIONS

I. The Applicable Law

The federal Telecommunications Act of 1996 (the Act) is designed to open the nation's telecommunications markets to competition using three strategies set forth at 47 U.S.C. § 251(c):

- (1) requiring incumbent local exchange carriers to permit new entrants to purchase their services wholesale and resell them to customers;
- (2) requiring incumbent local exchange carriers to permit competing providers of local service to interconnect with their networks on competitive terms; and
- (3) requiring incumbent local exchange carriers to unbundle the elements of their networks and make them available to competitors on just, reasonable, and nondiscriminatory terms.

Under the Act, new market entrants are to seek agreements on these issues with incumbent local exchange carriers, who are required to negotiate in good faith. 47 U.S.C. §§ 251(c); 252(a)(1); 252(b)(5). All terms reached must be submitted to the state commission for approval. 47 U.S.C. § 252(a) and (e).

The state commission is to approve or reject these terms, making written findings as to any deficiencies. 47 U.S.C. § 252(e)(1). A commission must reject a negotiated agreement if it discriminates against a telecommunications carrier who is not a party to the agreement; if implementation would be inconsistent with the public interest, convenience, and necessity; or if the terms conflict with any valid state law, including any applicable intrastate service quality standards or requirements. 47 U.S.C. § 252(e)(2) and (3).

II. Commission Action

The Commission has reviewed the interconnection agreement amendment and the revision filed by the parties and finds that the revised amendment should be approved. It does not discriminate against any other telecommunications carrier. It is consistent with the public interest, convenience, and necessity. And it does not conflict with state law.

The Commission will approve the amendment.

ORDER

1. The Commission approves the revised interconnection agreement amendment filed by Sprint Communications Company L.P. and Qwest Corporation.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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