



State of Utah
Department of Commerce
Division of Public Utilities

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MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Philip Powlick, Director
Bill Duncan, Telecommunications / Water Manager
Ron Slusher, Utility Technical Consultant

Date: January 6, 2010

Re: Agreement filing in the Matter of the Amendment to Interconnection Agreement between Qwest Corporation and Firstdigital Telecom per Docket No. 10-049-01

RECOMMENDATION:

The Division recommends that the Commission acknowledge the receipt of this Voice over Internet Protocol (VoIP) Amendment to the Interconnection Agreement.

EXPLANATION:

On December 30, 2009, Qwest Corporation ("Qwest") filed the Amendment to the Interconnection Agreement per the above-referenced docket in accordance with § 54-8b-2.2(1) (d) of the *Utah Code*. This Agreement had been fully executed through voluntary negotiations on December 15, 2009 with Firstdigital Telecom ("Firstdigital"). Firstdigital's Certificate of Public Convenience and Necessity was approved by the Commission on June 7, 2001 in Docket No. 01-2367-01.

The Division has reviewed the above-mentioned Agreement between Qwest and Firstdigital and sees no reason to reject it. Specifically, the Division believes that the Agreement was negotiated in good faith and without unfair discrimination. Both parties also recognize that, to the extent that the existing rules are changed, vacated, dismissed, stayed or modified, this Agreement and all contracts adopting all or part of this Agreement will be amended to reflect such modification or change of the existing rules. Therefore, the Division recommends that the Commission acknowledge the receipt of this Interconnection Agreement.

cc: L.T. Christensen, Director – Wholesale Contracts, Qwest Corporation
Wesley McDougal, President, Firstdigital Telecom
Michael Ginsberg, Assistant Attorney General, State of Utah