



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: December 14, 2010

Re: Agreement filing in the Matter of the Amended Interconnection Agreement between Qwest Corporation and Pac-West Telecomm, Inc. per Docket No. 10-049-45.

RECOMMENDATION (Acknowledge):

The Division recommends that the Commission acknowledge the receipt of this Reciprocal Compensation Rate Election Amendment to the Interconnection Agreement.

EXPLANATION:

On December 1, 2010, Qwest Corporation ("Qwest") filed the Amended 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 November 23, 2010 with Pac-West Telecomm, Inc. ("Pac-West"). Pac-West's Certificate of Public Convenience and Necessity was approved by the Commission on May 08, 2000 in Docket No. 99-2305-01.

The Division has reviewed the above-mentioned Agreement between Qwest and Pac-West 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 Amended Interconnection Agreement.

cc: L.T. Christensen, Director – Wholesale Contracts, Qwest Corporation
Jennifer Eubanks, CFO, Pac-West Telecom, Inc. Name
Patricia Schmid, Attorney, State of Utah