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State of Utah
Department of Commerce
Division of Public Utilities

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Executive Director

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Director, Division of Public Utilities

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 20, 2010

Re: Agreement filing in the Matter of the Amended Interconnection Agreement between Qwest Corporation and Bandwidth.com CLEC, LLC per Docket No. 10-049-02

RECOMMENDATION:

The Division recommends that the Commission acknowledge the receipt of this Amended Interconnection Agreement.

EXPLANATION:

On December 28, 2009, 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 December 16, 2009 with Bandwidth .com CLEC, LLC (“Bandwidth”). Bandwidth’s Certificate of Public Convenience and Necessity was approved by the Commission on April 03, 2008 in Docket No.08-2494-01.

The Division has reviewed the above-mentioned Agreement between Qwest and Bandwidth 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
Jonathan S Mitchell, CEO, Bandwidth .com CLEC, LLC
Michael Ginsberg, Assistant Attorney General, State of Utah