

DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
LEGAL**

**FROM: JOHAN E. KALALA-KASANDA
MICHAEL DUVAL**

DATE: APRIL 10, 2023

**RE: IN THE MATTER OF FREMONT TELCOM CO. DBA BLACKFOOT
COMMUNICATIONS AND TELEPORT COMMUNICATIONS
AMERICA, LLC'S JOINT APPLICATION FOR APPROVAL OF THEIR
INTERCONNECTION AND RECIPROCAL COMPENSATION
AGREEMENT FOR THE STATE OF IDAHO; CASE NO. FRE-T-23-01.**

On January 18, 2023, Fremont Telcom Co. Dba Blackfoot Communications (“Blackfoot” or “Company”) and Teleport Communications America, LLC. (“TCA”) submitted a joint Application to the Idaho Public Utilities Commission (“Commission”) seeking approval of the Interconnection and Reciprocal Compensation Agreement (“Agreement”) they have voluntarily reached for the State of Idaho. The Agreement includes terms and conditions for interconnection and reciprocal compensation for services rendered by each party.

BACKGROUND

Under the provisions 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 such agreement or portion 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 that voluntarily enter 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.

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.

STAFF DISCUSSION AND RECOMMENDATION

The Application states that the Agreement was reached through voluntary negotiations without resort to mediation or arbitration and submitted for approval pursuant to the provisions of 47 U.S.C. § 252(e) and the administrative rules of the Commission, specifically, Idaho Administrative Code 31.01.01.126. Application at 2-3. This Agreement establishes specific terms and conditions under which the parties may exchange telecommunication traffic between them and reciprocally be compensated, as outlined in Attachment 1 to the Application.

Staff reviewed the Agreement between the parties and believes that this Agreement is consistent with the terms and conditions of this Commission, the pro-competitive policies of this Commission, the Idaho Legislature, and the Federal Telecommunications Act of 1934, as amended by the Telecommunications Act of 1996. Accordingly, Staff recommends Commission approval of the Interconnection and Reciprocal Compensation Agreement.

COMMISSION DECISION

Does the Commission wish to approve this Application?


Johan E. Kalala-Kasanda