

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
LEGAL

FROM: JOHAN E. KALALA-KASANDA
MICHAEL DUVAL

DATE: JUNE 20, 2023

RE: IN THE MATTER OF CUSTER TELEPHONE COOPERATIVE INC. AND
TELEPORT COMMUNICATIONS AMERICA, LLC'S JOINT
APPLICATION FOR APPROVAL OF THEIR INTERCONNECTION
AND RECIPROCAL COMPENSATION AGREEMENT FOR THE STATE
OF IDAHO; CASE NOS. CUS-T-23-01 AND TCS-T-23-01.

On March 27, 2023, Custer Telephone Cooperative, Inc. ("Custer") and Teleport Communications America, LLC. ("TCA") (collectively referred to as "the Parties") submitted a joint Application ("Application") to the Idaho Public Utilities Commission ("Commission") seeking approval of their proposed Interconnection and Reciprocal Compensation Agreement ("Agreement"). The Parties state that they reached this Agreement voluntarily. The Agreement includes terms and conditions for interconnection and reciprocal compensation for services rendered by each party. On May 4, 2023, Custer and TCA submitted the actual agreement that was signed by the two parties as a supplement to their joint Application.

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 REVIEW AND RECOMMENDATION

Staff has reviewed the Application and believes the Agreement is consistent with the FCC orders and pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends Commission approval of the Application as filed.

COMMISSION DECISION

Does the Commission wish to approve this Application?



Johan E. Kalala-Kasanda

Udmemos/CUS-T-23-01 and TCS-T-23-01 Interconnection Agreement between Custer and Teleport