

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** DANIEL KLEIN

**DATE:** APRIL 9, 2020

**RE:** APPLICATION FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT BETWEEN FRONTIER COMMUNICATIONS NORTHWEST INC. AND TIME WARNER CABLE INFORMATION SERVICES (IDAHO), LLC D/B/A TIME WARNER CABLE; CASE NO. VZN-T-20-01.

### BACKGROUND

On March 27, 2020 this Commission received an Application seeking approval for an Amendment to an Interconnection Agreement between Frontier Communications Northwest Inc. and Time Warner Cable. The original Agreement was approved by the Idaho Public Utilities Commission on July 18, 2013. See Order No. 32856.

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 the agreement 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. 32034, companies voluntarily entering into interconnection agreement “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 (emphasis in original). 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.

## **DISCUSSION**

The Application states that the agreement was reached through voluntary negotiations without resort to mediation or arbitration and submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. The Amended application details the parties' agreement regarding local number portability, the change management process, and the escalation process for wholesale services.

## **STAFF ANALYSIS**

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 for an interconnection agreement.

## **COMMISSION DECISION**

Does the Commission wish to approve this Application?



---

Daniel Klein