

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER RAPER
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: CAROLEE HALL

DATE: DECEMBER 8, 2015

RE: APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN CENTURYTEL OF IDAHO, INC., DBA CENTURLINK, CENTURYTEL OF THE GEM STATE, INC. DBA CENTURLINK (“CENTURLINK”) AND RCLEC, INC. CASE NOS. CEN-T-15-07 AND CGS-T-15-07.

BACKGROUND

On September 12, 2014, this Commission received an Application seeking approval for an Interconnection Agreement between CenturyTel of Idaho, Inc., dba CenturyLink; CenturyTel of the Gem State, Inc., dba CenturyLink and Electric Lightwave, LLC.

Under the provision 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. 28427, companies voluntarily entering 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 (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 between 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 agreement sets out rates, terms and conditions for local interconnection, collocation, local resale, and purchase of Unbundled Network Elements (UNE).

STAFF ANALYSIS

Staff has reviewed the Application between the parties and believes that it meets the terms and conditions of this Commission and is consistent with the pro-competitive policies of this Commission and the Idaho Legislature. Staff recommends approval of the Agreement.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:\udmemos\CEN-T-15-07 and CGS-T-15-07 CenturyTel of Idaho, Inc., dba CenturyLink, CenturyTel of the Gem State, Inc. dba CenturyLink and RCLEC