

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** CAROLEE HALL

**DATE:** JULY 12, 2013

**RE:** APPLICATION FOR AN INTERCONNECTION AGREEMENT  
BETWEEN CITIZENS TELECOMMUNICATIONS COMPANY OF  
IDAHO (“CITIZENS”) AND METROPOLITAN  
TELECOMMUNICATIONS OF IDAHO, INC. D/B/A MET TEL  
 (“METTEL”); CASE NO. CTC-T-13-02.

### BACKGROUND

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.

### CURRENT APPLICATION

On July 9, 2013, this Commission received an Application from Citizens requesting approval of its Interconnection Agreement with Metropolitan Telecommunications of Idaho, Inc.

d/b/a MetTel. *See* Case No. CTC-T-13-02. This Agreement sets out rates, terms and conditions for interconnection between the companies.

### **STAFF ANALYSIS**

Staff has reviewed the Application for the Interconnection Agreement between the parties. Staff believes that the Interconnection Agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and Sections 251 of the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Interconnection Agreement merits this Commission's approval.

### **COMMISSION DECISION**

Does the Commission agree?



Carolee Hall

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