

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: JULY 12, 2013

RE: INTERCONNECTION AGREEMENT BETWEEN FRONTIER COMMUNICATIONS NORTHWEST INC. ("FRONTIER") AND TIME WARNER CABLE INFORMATION SERVICES (IDAHO), LLC D/B/A TIME WARNER ("TIME WARNER") ALONG WITH AN AMENDMENT NO. 1 TO THE ORIGINAL FILING; CASE NO. VZN-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 June 24, 2013, Frontier filed its Interconnection Agreement with Amendment Number 1 attached. This agreement is between Frontier and Time Warner Cable. The original agreement sets out rates, terms and conditions between the companies. The Amendment

Number 1 is an FCC compliance filing. Effective November 18, 2011, the Federal Communications Commission released its USF/ICC Transformation Order. *See* FCC 11-161. In the order, the FCC determined that the default intercarrier compensation methodology for all non-access telecommunications traffic exchanged between carriers and competitive Local Exchange Carriers will transition to bill and keep over the next six years. The FCC ordered that the companies begin the transition process on July 1, 2012.

STAFF ANALYSIS

Staff has reviewed the Agreement with Amendment No. 1 between Frontier and Time Warner Cable and finds it compatible with federal and state guidelines. Moreover, Staff believes that this filing is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommends approval.

COMMISSION DECISION

Does the Commission agree?


Carolee Hall

iudmemos/ interconnection agreements/VZN-T-13-02 Frontier and Time Warner Cable Agreement with Attachment No. 1