

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** CAROLEE HALL

**DATE:** MAY 21, 2012

**RE:** CASE NO. CEN-T-00-01 - APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT BETWEEN CENTURYTEL OF IDAHO, INC. dba CENTURLINK f/k/a CENTURYTEL OF IDAHO, INC. AND CENTURYTEL OF THE GEM STATE, INC. d/b/a CENTURLINK f/k/a CENTURYTEL OF THE GEM STATE – IDAHO, INC. (“CENTURLINK”) AND SPRINT SPECTRUM LP (“SPRINT SPECTRUM”).

### 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

CenturyLink and Sprint Spectrum jointly filed this amendment to the interconnection agreement between the companies that was approved by this Commission in 2000. See Order No. 28448. The parties seek Commission approval to amend the compensation portion of the agreement. Specifically, the companies are amending the terms, conditions, and rates to reflect the Federal Communications Commission ICC Bill and Keep requirements in Docket No. 01-92, *In the Matter of Developing an Unified Intercarrier Compensation Regime*. See Attachment 1 with this filing.

## STAFF ANALYSIS

Staff has reviewed the Application and believes that the amended filing between CenturyLink and Sprint comports with the FCC's Bill and Keep requirements. Moreover, Staff believes this filing is consistent with the public interest as identified in the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreement merit the Commission's approval.

## COMMISSION DECISION

Does the Commission agree?



Carolee Hall

iudmemos/Interconnection – wireless and paging/CEN-T-00-01 CENTURYLINK and Sprint Bill and Keep