

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: CAROLEE HALL

DATE: AUGUST 19, 2010

RE: CASE NO. CEN-T-10-02 - APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN CENTURYTEL OF IDAHO, INC. dba CENTURYLINK OF IDAHO (“CENTURYLINK - IDAHO”) AND ALLIED WIRELESS COMMUNICATIONS CORPORATION (“ALLIED”).

CASE NO. CGS-T-10-02 - APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN CENTURYTEL OF THE GEM STATE dba CENTURYLINK OF THE GEM STATE (“CENTURYLINK – GEM STATE”) AND ALLIED WIRELESS COMMUNICATIONS CORPORATION (“ALLIED”).

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 of Idaho and the Gem State filed an Interconnection and Reciprocal Compensation Agreement with Allied Wireless Communications Corporation on August 11, 2010. Case Nos. CEN-T-10-02 and CGS-T-10-02 were assigned for each entity, collectively referred to as CenturyLink.

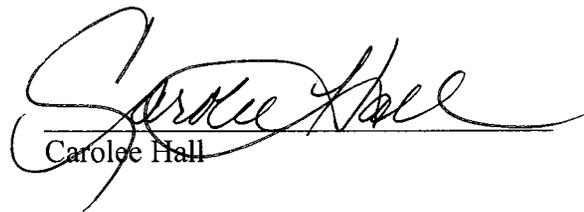
The Agreement states that Allied will be adopting the Agreement between CenturyLink (fka CentruyTel of the Gem State, Inc. and CenturyTel of Idaho, Inc.) and Verizon Wireless that was executed in 2004. The Agreement establishes the rates, terms and conditions of local interconnection and the exchange of local traffic for the state of Idaho.

STAFF ANALYSIS

Staff has reviewed the Applications and believes that the Agreements between CenturyLink – Idaho, CenturyLink - of the Gem State and Allied, 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 Agreements merit the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

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