

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** JUNE 18, 2013

**RE:** APPLICATION FOR APPROVAL OF THE INTERCONNECTION AGREEMENTS BETWEEN CENTURYTEL OF IDAHO, INC./ CENTURYTEL OF THE GEM STATE, INC. DBA CENTURLINK (“CENTURLINK”) AND SPECTROTEL, INC. (“SPECTROTEL”). CASE NO. CEN-T-13-04 AND CGS-T-13-04.

### APPLICATION

On June 17, 2013, this Commission received an Application from CenturyLink requesting Commission approval for the Interconnection Agreement with Spectrotel. *See* Case Nos. CEN-T-13-04 and CGS-T-13-04.

### 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.

## **DISCUSSION**

With this filing the companies agreed to rates, terms and conditions for unbundled network elements, ancillary services and resale of telecommunications services. The parties have indicated that this agreement was reached through voluntary negotiations without resort to mediation or arbitration.

## **STAFF ANALYSIS**

Staff has reviewed the Application between the parties. Staff believes the Interconnection Agreement continues to meet the terms and conditions of this Commission and is consistent with the pro-competitive policies of this Commission and the Idaho Legislature. Staff recommends that the adoption of the Interconnection Agreement be approved.

## **COMMISSION DECISION**

Does the Commission agree?



Carolee Hall

iudmemos/CEN-T-13-04 AND CGS-T-13-04 CENTURYLINK AND SPECTROTEL, INC