

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** MARCH 10, 2014

**RE:** APPLICATION FOR APPROVAL OF AN INTERIM ARRANGEMENT BETWEEN CENTURYTEL OF IDAHO, INC., CENTURYTEL OF THE GEM STATE, INC. DBA CENTURLINK (“CENTURLINK”) AND TELEPORT COMMUNICATIONS OF AMERICA, LLC. (“TELEPORT”). CASE NO. CEN-T-14-01 AND CGS-T-14-01.

### APPLICATION

On January 23, 2014, this Commission received an Application from CenturyLink requesting Commission approval for an Interim Arrangement between CenturyLink and Teleport Communications of America (Teleport).

### BACKGROUND

Upon receipt of the Application between the parties, Staff contacted each company seeking clarification as to what the Interim Arrangement was and what the intent of the parties were. Staff was informed by Teleport that the arrangement was needed while further negotiations with CenturyLink were taking place. Teleport indicated that the parties were still negotiating and that an Interconnection Agreement would eventually follow.

On March 6, 2014, CenturyLink sent a letter to the Commission explaining that the “Interim Arrangement” is an agreement similar to an interconnection agreement that the parties have entered into while negotiating the final interconnection agreement. This arrangement will allow traffic to be transferred between the companies. The jointly agreed to arrangement specifically states that, “Parties wish to enter into an ‘interim arrangement,’ pursuant to 47 C.F.R. § 51.715, which will allow the Parties to exchange traffic prior to the conclusion of

negotiations for a permanent interconnection agreement, such exchange of traffic subject to true-up to the rates, terms and conditions of the permanent interconnection agreement.” While § 51.715 specifically addresses interim Transport and Termination pricing, the parties appear to be amenable to this arrangement. Moreover, it should allow Teleport to begin offering its services while still negotiating the best interconnection agreement possible with CenturyLink.

## **DISCUSSION**

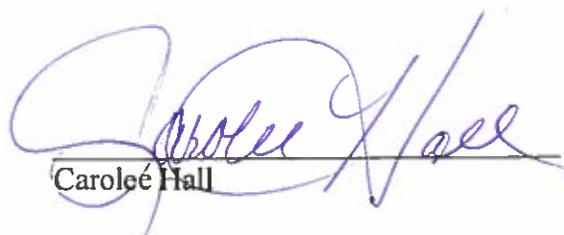
With this filing the companies agreed to enter into an interim arrangement through voluntary negotiations without resort to mediation or arbitration, while continuing to negotiate in good faith a final interconnection agreement. Staff encourages the parties to finalize the interconnection agreement negotiations and file the appropriate interconnection agreement as soon as possible.

## **STAFF ANALYSIS**

Staff has reviewed the Application between the parties and believes the Interim Arrangement 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 interim arrangement be accepted for filing pending the appropriate final interconnection agreement.

## **COMMISSION DECISION**

Does the Commission agree?



Carolee Hall

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