

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: JANUARY 16, 2013

RE: AMENDMENT NO. 1 FOR THE INTERCONNECTION AGREEMENT
BETWEEN CITIZENS TELECOMMUNICATIONS COMPANY OF
IDAHO ("FRONTIER") AND UNITED STATES CELLULAR
CORPORATION ("US CELLULAR"); CASE NO. CTC-T-04-02.

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

Frontier filed to amend its Interconnection Agreement with US Cellular that was approved by this Commission on October 4, 2004. This Agreement is amended to incorporate the terms and conditions set forth in the Amendment and is also adopting the reciprocal

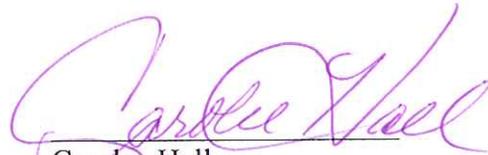
compensation rates as set forth in the Federal Communications Commission's *USF/ICC Transformation Order*. See FCC 11-161.

STAFF ANALYSIS

Staff has reviewed the amendment between Frontier and US Cellular 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

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