

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: FEBRUARY 23, 2011

RE: APPLICATION FOR AMENDMENT NO. 3 TO THE INTER-
CONNECTION AGREEMENT BETWEEN FRONTIER
COMMUNICATIONS NORTHWEST INC. AND NEW EDGE
NETWORK, INC. DBA NEW EDGE NETWORKS; CASE NO.
GTE-T-00-06.

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

On February 17, 2011, this Commission received an Application to amend the Interconnection Agreement between Frontier Communications Northwest Inc. and New Edge Network Inc. dba New Edge Networks. This is Amendment No. 3 in Case GTE-T-00-06. Staff

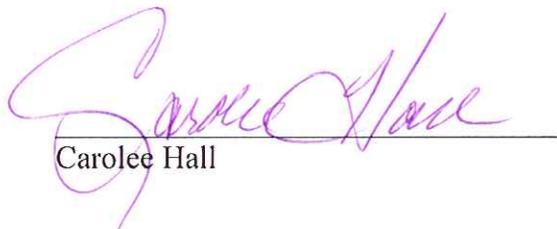
contacted Frontier seeking clarification about this filing and was told that the Agreement is amended to incorporate terms and conditions that were previously agreed to between Verizon and New Edge. Frontier recently acquired Verizon and the parties are extending the contract to June 30, 2013. After June, 2013, the contract will be for one year terms.

STAFF ANALYSIS

Staff has reviewed the Application to amend the Interconnection Agreement between the parties. Staff appreciates Frontier's assistance in clarifying the terms and conditions of the filing. Staff is confident that the Amendment meets the terms and conditions of this Commission and believes it remains consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that Amendment No. 3 merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:udmemos/GTE-T-00-06 AMENDMENT between Frontier Communications Northwest Inc. and New Edge Networks