

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: MAY 31, 2012

RE: APPLICATION TO AMEND A NEGOTIATED WIRELESS TRAFFIC EXCHANGE AGREEMENT BETWEEN TDS TELECOMMUNICATIONS CORPORATION (TDS) AND AT&T MOBILITY (AT&T). CASE NO. POT-T-05-1.

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.

APPLICATION

TDS (as an agent for Potlatch Telephone Company, Inc.) has entered into an amended wireless traffic exchange agreement with New Cingular Wireless PCS, LLC., and its Commercial Mobile Radio Services (CMRS) operating affiliates, operating as AT&T Mobility

(AT&T). This filing amends the agreement approved in Case No. POT-T-05-1 on October 26, 2005. See Order No. 29901.

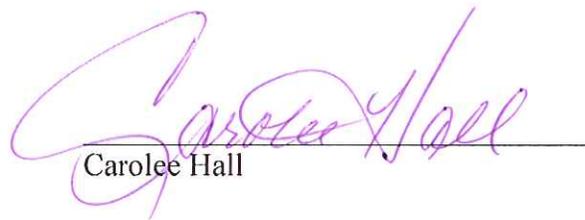
On November 18, 2011, the Federal Communications Corporation (“FCC”) released a Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, which included enacting new rules for Intercarrier Compensation for Wireless Traffic (*USF/ICC Transformation Order*). A subsequent Order on Reconsideration was released December 23, 2011 modifying two aspects of the USF/ICC Transformation Order. 47 C.F.R. § 20.11 and §51.700- § 51.715. These changes have been amended to provide that intercarrier compensation for non-access traffic exchanged between parties will be subject to a default bill-and-keep methodology for traffic exchanged on and after July 1, 2012.

STAFF ANALYSIS

Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest as identified in the pro-competitive policies of this Commission and the Idaho Legislature. Staff further believes that the Agreement is consistent with the movement to bill-and-keep methodology as prescribed by the FCC. Accordingly, Staff believes that the Agreement merits the Commission’s approval.

COMMISSION DECISION

Does the Commission wish to approve this Amendment to the Interconnection Agreement?


Carolee Hall

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