

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** FEBRUARY 14, 2011

**RE:** CASE NO. QWE-T-03-13: APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT BETWEEN NEW CINGULAR WIRELESS PCS, LLC AND QWEST CORPORATION D/B/A CENTURYLINK QC.

### 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

CenturyLink QC filed an Amendment to the Interconnection Agreement with New Cingular Wireless PCS, LLC on February 9, 2012. Case No. QWE-T-03-13. This Commission approved the original agreement on July 15, 2003. The parties are currently negotiating a

replacement Agreement and this amendment will act as an interim replacement until the final negotiations are completed. Specifically, this Amendment addresses interMTA<sup>1</sup> compensation rights and obligations of the parties. The amended agreement sets forth the interMTA percentages used for billing purposes.

#### **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.

Staff believes that the Agreement between CenturyLink QC and New Cingular Wireless, is consistent with the public interest as identified in the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreements merit the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree with Staff's recommendation?



Carolee Hall

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<sup>1</sup> interMTA is defined as Major Trading Areas, which are geographic boundaries for Wireless Service Providers that determine if a call is rated as local.