

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: OCTOBER 12, 2012

RE: APPLICATION OF QWEST DBA CENTURYLINK QC
("CENTURYLINK") AND RED-BAN COMMUNICATIONS LLC. DBA
NEXTPHONE ("RED-BAN") FOR APPROVAL TO AMEND ITS
INTERCONNECTION AGREEMENT. CASE NO. QWE-T-05-24.

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.

BACKGROUND

CenturyLink QC filed an Application to amend its Interconnection agreement with Red-Ban in Case No. QWE-T-05-24. The original agreement was approved by this Commission in January 2006. The Application sets out rates, terms and conditions for the exchange of VoIP traffic between the Red-Ban and CenturyLink as ordered by the Federal Communications

Commission in Docket No. 01-92, *In the Matter of Developing a Unified Inter-carrier Compensation Regime*.

STAFF ANALYSIS AND RECOMMENDATION

The 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 is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:\udmemos\QWE-T-05-24 Amendment between CenturyLink and Red-Ban Communications LLC dba NextPhone