

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** JUNE 13, 2012

**RE:** APPLICATION FOR APPROVAL TO AMEND THE  
INTERCONNECTION AGREEMENT BETWEEN USA MOBILITY  
WIRELESS, INC. f/k/a METROCALL, INC. ("USA MOBILITY") AND  
QWEST CORPORATION d/b/a CENTURYLINK QC (CENTURYLINK).  
CASE NO. QWE-T-06-15.

### 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

The original Application between the parties was approved by this Commission on September 13, 2006. See Order No. 30127. This Amendment is an outcome of the Federal Communication Commission's, Docket No. 01-92, *In the Matter of Developing a Unified*

*Intercarrier Compensation Regime*, wherein the FCC ordered the exchange of traffic between Paging Providers and Local Exchange Carriers to migrate to a bill and keep arrangement between carriers. This amendment is adding terms and conditions that comport with the FCC's current directive. See Attachment 1 to the Agreement.

#### **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 is consistent with the public interest as identified in the pro-competitive policies of this Commission, the Idaho Legislature, and the Federal Communication Commission's Intercarrier compensation regime of bill and keep. Accordingly, Staff believes that the amended Agreement merits the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree?

  
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Carolee Hall

Chall/u/decision memos/Interconnection – wireless and paging/QWE-T-06-15 CenturyLink QC and USA Mobility 6-13-12