

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: SEPTEMBER 30, 2011

**RE: APPLICATION FOR APPROVAL OF A TYPE II WIRELESS
INTERCONNECTION AGREEMENT BETWEEN QWEST
CORPORATION D.B.A CENTURYLINK ("QWEST") AND 365
WIRELESS, LLC. CASE NO. QWE-T-11-11.**

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 September 19, 2011, Qwest submitted its Application and Interconnection Agreement with 365 Wireless, LLC. This Interconnection Agreement sets forth the terms, conditions and

pricing under which Qwest will provide network interconnection and ancillary services to 365 Wireless.

STAFF ANALYSIS

Staff has reviewed the Application and Interconnection Agreement 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 Telecommunications Act of 1996. Accordingly, Staff believes that the Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

u/chall/decision memo/Interconnection – wireless and paging/ QWE-T-11-11 QWEST DBA CENTURYLINK and 365 WIRELESS, LLC