

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: JANUARY 20, 2012

RE: APPLICATION OF QWEST DBA CENTURYLINK QC
("CENTURYLINK") AND TC SYSTEMS, INC. ("TC SYSTEMS") FOR
APPROVAL TO ADOPT THE AT&T COMMUNICATIONS OF THE
MOUNTAIN STATES, INC. INTERCONNECTION AGREEMENT WITH
QWEST THAT WAS ADOPTED IN CASE NO. QWE-T-04-09.
CASE NO. QWE-T-12-02.

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

TC Systems filed an Application for registration as a wholesale telecommunications provider in Idaho on November 22, 2011 (Case No. TCS-T-11-01). In its Application to become

a wholesale provider, TC Systems committed to comply with all Commission rules governing telecommunications services in Idaho. TC Systems also acknowledged that it will be subject to numbering conservation measures, including mandatory thousands (1000) block pooling and reporting, pursuant to Commission Order No. 30425.

CURRENT APPLICATION DISCUSSION

The Application between CenturyLink and TC Systems states that a letter was sent to CenturyLink indicating that TC Systems wished to adopt the terms of the Wireline Interconnection Agreement and any associated amendments, if applicable, between AT&T Communications of the Mountain States, Inc. and Qwest Corporation dba CenturyLink QC that was approved by the Commission on June 22, 2004.

The Agreement between CenturyLink and TC Systems indicates that the parties are jointly filing and that this Agreement was reached through voluntary negotiations without resort to mediation. Moreover, they state that the Agreement was reached pursuant to Section 252(e) of the Telecommunications Act.

STAFF ANALYSIS AND RECOMMENDATION

The Staff has reviewed the Application to adopt the AT&T 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 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-12-02 CenturyLink and TC Systems to adopt AT&T Interconnection Agreement