

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: NOVEMBER 28, 2012

RE: APPLICATION FOR APPROVAL FOR PRAXIS LIMITED CO. D/B/A A+ SATELLITE ("A+ SATELLITE") TO ADOPT THE INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION DBA CENTURYLINK QC ("CENTURYLINK QC") AND OPTIX MEDIA, LLC ("OPTIX MEDIA"). CASE NO. QWE-T-12-08.

APPLICATION

On November 27, 2012, this Commission received an Application from CenturyLink QC requesting Commission approval for Praxis Limited Co. d/b/a A+ Satellite to adopt the Interconnection Agreement between CenturyLink and Optix Media, LLC. in Case No. QWE-T-12-04. See Case No. QWE-T-12-08.

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.

DISCUSSION

With this filing the companies agreed to the adoption of CenturyLink’s Interconnection Agreement with Optix Media where the companies agreed to terms and conditions for unbundled network elements, ancillary services and resale of telecommunications services. The parties have indicated that this agreement was reached through voluntary negotiations without resort to mediation or arbitration.

STAFF ANALYSIS

Staff has reviewed the Application between the parties. Staff believes the Interconnection Agreement continues to meet the terms and conditions of this Commission and is consistent with the pro-competitive policies of this Commission and the Idaho Legislature. Staff recommends that the adoption of the Interconnection Agreement be approved.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:udmemos/QWE-T-12-08 CenturyLink QC and Praxis Limited Co. d.b.a A+ Satellite to adopt the ICA with Optix Media, LLC.