DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

WELDON STUTZMAN

STEPHANIE MILLER

JOE CUSICK

DAVE SCHUNKE

GARY RICHARDSON

WORKING FILE

FROM:SUSAN HAMLIN

DATE:NOVEMBER 27, 1996

RE:USW-T-96-14/CTC-T-96-2

JOINT APPLICATION OF CITIZENS TELECOMMUNICATIONS COMPANY AND U S WEST COMMUNICATIONS INC. FOR APPROVAL OF AN AGREE­MENT FOR RESALE PURSUANT TO 47 U.S.C. §252(e).

On November 18, 1996, Citizens Telecommunications Company (CTC) and U S WEST Communications, Inc. (U S WEST) filed a joint Application for approval of an agreement for resale services.  The agreement provides for CTC to resell U S WEST local exchange service in Idaho and other states.  The Application indicated that this agreement was reached through voluntary negotiations and is submitted to the Commission for approval pursuant to §252(e) of the Telecommunications Act.

Section 252(e) of the Act sets the guidelines for approval of interconnection agreements.  It states:

(e)APPROVAL BY STATE COMMISSION.—

(1)APPROVAL REQUIRED.—Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission.  A State Commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2)GROUNDS FOR REJECTION.—The State commission may only reject—

(A)an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—

(I)the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii)the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

The joint applicants ask for approval of this agreement and claim that because this agreement was reached through voluntary negotiations a hearing is not necessary.

Staff’s Recommendation:

Staff recommends that this matter be set for Modified Procedure to determine if the standards of § 252(e) have been met.

Commission’s Decision:

Does the Commission wish to set this matter for Modified Procedure?

Susan Hamlin

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