DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER SMITH

COMMISSIONER KJELLANDER

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

JOE CUSICK

WAYNE HART

DAVID SCOTT

WORKING FILE

FROM:CHERI C. COPSEY

DATE:MARCH 12, 1999

RE:CASE NO. USW-T-99-5; JOINT APPLICATION OF U S WEST AND ROBERT RYDER DBA RADIO PAGING SERVICE FOR APPROVAL OF A TYPE 1 PAGING CONNECTION AGREEMENT (NEGOTIATED) PURSUANT TO 47 U.S.C. §252(e).

Pursuant to Section 252(e) of the Telecommunications Act of 1996, U S WEST Communications and Robert Ryder dba Radio Paging Service filed a Joint Application on March 4, 1999, requesting approval of an agreement for a Type 1 Paging Connection Agreement dated February 19, 1999.  According to the Joint Application, the agree­ment was reached through voluntary negotiations between the parties without resort to mediation or arbitration.  The agreement provides for connecting facilities and exchanging traffic between U S WEST in Idaho and Radio Paging Service.

Under the terms of the 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 negotiation only if it finds that the agreement discriminates against a telecommunication carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity.  47 U.S.C. § 252 (e)(2)(A).  If the Commission does not act to approve or reject the agreement within 90 days after its submission, the agreement is deemed approved.  47 U.S.C. § 252 (e)(4).  The Commission’s decision is not reviewable by the state courts.  Id.

Staff recommends that the Joint Application for approval of the Type 1 Paging Connection Agreement be processed by Modified Procedure.

Commission Decision

Should the Joint Application of U S WEST and Radio Paging Service for approval of the Type 1 Paging Connection Agreement be processed by Modified Procedure?

Cheri C. Copsey

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