

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF POTLATCH TELEPHONE COMPANY) **CASE NO. POT-T-07-01**
DBA TDS TELECOMMUNICATIONS)
CORPORATION FOR APPROVAL OF)
AMENDMENTS TO ITS)
INTERCONNECTION AGREEMENT WITH)
CRICKET COMMUNICATIONS, INC.)
PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
OF POTLATCH TELEPHONE COMPANY) **CASE NO. POT-T-10-01**
DBA TDS TELECOMMUNICATIONS)
CORPORATION FOR APPROVAL OF)
AMENDMENTS TO ITS)
INTERCONNECTION AGREEMENT WITH)
ALLIED WIRELESS COMMUNICATIONS)
CORPORATION PURSUANT TO 47 U.S.C. §)
252(e))

IN THE MATTER OF THE APPLICATION)
OF FRONTIER COMMUNICATIONS) **CASE NO. VZN-T-01-10**
NORTHWEST INC. FOR APPROVAL OF)
AMENDMENTS TO ITS)
INTERCONNECTION AGREEMENT WITH)
NOS COMMUNICATIONS INC. PURSUANT)
TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION DBA) **CASE NO. QWE-T-06-15**
CENTURYLINK QC FOR APPROVAL OF)
AMENDMENTS TO ITS)
INTERCONNECTION AGREEMENT WITH)
USA MOBILITY WIRELESS, INC. FKA) **ORDER NO. 32612**
METROCALL, INC. PURSUANT TO 47)
U.S.C. § 252(e))

In this case the Commission is asked to approve amendments to the Interconnection Agreement between Potlatch Telephone Company dba TDS Telecommunications Corporation and Cricket Communications, Inc.; Potlatch and Allied Wireless Communications Corporation; Frontier Communications Northwest Inc. and NOS Communications Inc.; and Qwest

Corporation dba CenturyLink QC and USA Mobility Wireless, Inc. fka Metrocall Inc. With this Order, the Commission approves the amendments to the Interconnection Agreements.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements, including amendments thereto, 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.

THE APPLICATIONS

1. Potlatch Telephone Company dba TDS Telecommunications Corporation and Cricket Communications, Inc., Case No. POT-T-07-01. On July 26, 2012, Potlatch submitted an Application seeking approval of amendments to its Wireless Traffic Exchange Agreement with Cricket. The parties’ original Agreement was initially approved by the Commission on October 5, 2007. *See* Order No. 30450. In the Application, the parties request that the Commission approve changes to the definitions, billing and reciprocal compensation rates for transport and termination to the FCC’s newly promulgated default “Bill-and-Keep” methodology.

2. Potlatch Telephone Company dba TDS Telecommunications Corporation and Allied Wireless Communications Corporation, Case No. POT-T-10-01. On July 23, 2012, Potlatch submitted an Application seeking the Commission’s approval to amend the parties’ Interconnection Agreement, initially approved by the Commission on August 26, 2010. *See* Order No. 32055. The parties’ new Agreement sets forth the terms, conditions and pricing under which Potlatch will interconnect with Allied.

3. Frontier Communications Northwest Inc. and NOS Communications Inc., Case No. VZN-T-01-10. On July 19, 2012, Frontier submitted an Application seeking the

Commission's approval of Amendments to the parties' Interconnection Agreement, initially approved by the Commission on July 25, 2001. *See* Order No. 28790. The filing was prompted by the recent USF/ICC Transformation Order released by the Federal Communications Commission (FCC), released on December 23, 2011, enacting new rules for Intercarrier Compensation for Wireless Traffic. *See USF/ICC Transformation Order* FCC 11-161. As a result, intercarrier compensation for non-access telecommunications traffic exchanged between carriers and competitive local exchange carriers will transition to a default "bill-and-keep" methodology for traffic exchanged on or after July 1, 2012. The amendments proposed by the parties seek to adopt a revised reciprocal compensation methodology and automatically incorporate any future revisions, reconsiderations, modifications or changes required by the FCC.

4. Qwest Corporation dba CenturyLink QC and USA Mobility Wireless, Inc. fka Metrocall Inc., Case No. QWE-T-06-15. On June 11, 2012, CenturyLink submitted an Application seeking the Commission's approval of amendments to the parties' Interconnection Agreement, initially approved by the Commission on September 13, 2006. *See* Order No. 30127. The proposed amendments arise out of FCC Docket No. 01-92, *In the Matter of Developing a Unified Intercarrier Compensation Regime*, wherein the FCC ordered the exchange of traffic between paging providers and local exchange carriers to migrate to a "bill-and-keep" arrangement between carriers. The proposed amendments seek to incorporate terms and conditions that comport with the FCC's current directive.

STAFF RECOMMENDATION

Staff reviewed the foregoing Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the amendments to the Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the foregoing amendments to the Interconnection Agreement.

COMMISSION FINDINGS

Under the terms of the Telecommunications Act, interconnection agreements, including amendments thereto, must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). However, the Commission's review is limited. The Commission may reject an

agreement adopted by negotiation only if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.*

Based upon our review of the Applications and Staff's recommendations, the Commission finds that the amendments to the Interconnection Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments to the Agreements, reviewed by Staff and more fully described above, should be approved. Approval of the Agreements does not negate the responsibility of either party to these Agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

IT IS HEREBY ORDERED that the amendments to the Interconnection Agreement between Potlatch Telephone Company dba TDS Telecommunications Corporation and Cricket Communications, Inc., Case No. POT-T-07-01, are approved.


IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Potlatch Telephone Company dba TDS Telecommunications Corporation and Allied Wireless Communications Corporation, Case No. POT-T-10-01, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Frontier Communications Northwest Inc. and NOS Communications, Inc., Case No. VZN-T-01-10, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and USA Mobility Wireless, Inc. fka Metrocall, Inc., Case No. QWE-T-06-15, are approved.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th
day of August 2012.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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