

## DECISION MEMORANDUM

**TO:** COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSIONER KEMPTON  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** CAROLEE HALL

**DATE:** NOVEMBER 27, 2007

**RE:** ELTOPIA COMMUNICATIONS, LLC's ("EPJ") ADOPTION OF THE INTERCONNECTION AGREEMENT BETWEEN NORTHWEST TELEPHONE, INC. ("NORTHWEST TELEPHONE") AND VERIZON NORTHWEST, INC. ("VERIZON"); CASE NO. VZN-T-07-5.

### 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.

### CURRENT APPLICATION

On November 19, 2007, Verizon Northwest, Inc. (Verizon) and Eltopia Communications, LLC ("EPJ") filed an Agreement to adopt the current Interconnection Agreement between Verizon Northwest, Inc. and Northwest Telephone, Inc.

## **DISCUSSION**

The various elements being adopted by EPJ are: Reciprocal Compensation Termination Traffic; Resale Services; Prices for Unbundled Network Elements; Collocation Rates; and various other interconnection and wholesale rates.

## **STAFF ANALYSIS**

Staff has reviewed the Agreement with exhibits between Verizon and EPJ and finds them compatible with federal and state guidelines. Moreover, Staff believes that this filing is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommends that the Commission approve the Agreement.

## **COMMISSION DECISION**

Does the Commission wish to approve the Agreement between Verizon and EPJ?



Carolee Hall

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adoption of the Verizon and Northwest Telephone Agreement.