

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: JUNE 28, 2010

RE: ELECTRIC LIGHTWAVE, LLC (“ELI”) APPLICATION TO ADOPT
THE INTERCONNECTION AGREEMENT BETWEEN VERIZON
NORTHWEST TELEPHONE, INC. (“VERIZON”) AND ACCESS
POINT, INC. (“API”); CASE NO. VZN-T-10-04.

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 June 23, 2010, Verizon Northwest, Inc. (Verizon) and Electric Lightwave, LLC (“ELI”) filed an Agreement to adopt the current Interconnection Agreement between Verizon

Northwest, Inc. and Access Point, Inc. ("API"). The Agreement between Verizon and API was approved on November 5, 2008 in Case No. VZN-T-08-04.

DISCUSSION

The various elements being adopted by ELI 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 ELI 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 API?


Carolee Hall

i:\udmemos/vznt1004 VERIZON AND ELI adoption of the Verizon and Access Point Agreement.