

## DECISION MEMORANDUM

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

**FROM:** CAROLEE HALL

**DATE:** NOVEMBER 13, 2013

**RE:** APPLICATION FOR APPROVAL OF AMENDMENT TO THE INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION dba CENTURYLINK QC (CENTURYLINK) AND ELECTRIC LIGHTWAVE, LLC (“ELI”). CASE NO. USW-T-99-26/ ELI-T-99-2.

### 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 7, 2013, CenturyLink filed an amendment to an interconnection agreement that was approved by this Commission on November 29, 1999, in Case Nos. USW-T-99-26 and ELI-T-99-2.

This filing amends the terms, conditions and rates for Intercarrier Compensation between the Parties for the exchange of VoIP-PSTN Traffic. Specifically, it sets out Bill and Keep Compensation for Toll VoIP-PSTN traffic as well as Local VoIP-PSTN Traffic. This filing is in compliance with the Federal Communications Commission's Order in Docket No. 01-92, *In the Matter of Developing a Unified Intercarrier Compensation Regime*. The Order set out rights and obligations with respect to the exchange of VoIP traffic between CLEC providers and LECs in addition to revised call signaling rules effective December 29, 2011.

## STAFF ANALYSIS

Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the amendment is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the Federal Communication Commission's December 29, 2011 Order. Accordingly, Staff believes that the amendment merits the Commission's approval.

## COMMISSION DECISION

Does the Commission agree?



Carolee Hall

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