

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: MARCH 30, 2015

**RE: JOINT APPLICATION BETWEEN QWEST CORPORATION DBA
CENTURYLINK QC (“CENTURYLINK”) AND IONEX
COMMUNICATIONS NORTH, INC. DBA BIRCH COMMUNICATIONS
 (“BIRCH”) FOR APPROVAL OF AN INTERCONNECTION
AGREEMENT BETWEEN THE COMPANIES; CASE NO. QWE-T-15-01.**

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

CenturyLink and Birch filed their joint Application for an Interconnection Agreement on March 19, 2014. See Case No. QWE-T-15-01. In the Application, the parties state that this joint

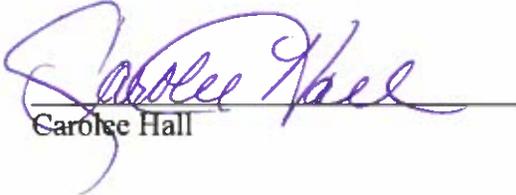
filing contains rates, terms and conditions for interconnecting their networks. According to the parties the terms of the Interconnection Agreement were reached through voluntary negotiations without resort to mediation. This filing also includes Exhibit B (Service Performance Indicators) and Exhibit K (Performance Assurance Plan) as required by this Commission.

STAFF ANALYSIS AND RECOMMENDATION

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 the Interconnection Agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the filing merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolce Hall

i:\udmemos/ Interconnection Agreements/QWE-T-15-01 CenturyLink and Ionex Corporations North Inc., dba Birch Communications Interconnection Agreement