

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

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| <b>IN THE MATTER OF THE APPLICATION OF</b> | ) |                             |
| <b>QWEST CORPORATION DBA</b>               | ) | <b>CASE NO. QWE-T-02-08</b> |
| <b>CENTURYLINK QC FOR APPROVAL OF AN</b>   | ) |                             |
| <b>AMENDMENT TO ITS INTERCONNECTION</b>    | ) |                             |
| <b>AGREEMENT WITH LEVEL 3</b>              | ) |                             |
| <b>COMMUNICATIONS, LLC PURSUANT TO 47</b>  | ) |                             |
| <b>U.S.C. § 252(e)</b>                     | ) |                             |
| <hr/>                                      |   |                             |
| <b>IN THE MATTER OF THE APPLICATION OF</b> | ) |                             |
| <b>CENTURYTEL OF IDAHO, INC. DBA</b>       | ) | <b>CASE NO. CEN-T-15-03</b> |
| <b>CENTURYLINK FOR APPROVAL OF ITS</b>     | ) |                             |
| <b>TRAFFIC EXCHANGE AGREEMENT WITH</b>     | ) |                             |
| <b>LEVEL 3 COMMUNICATIONS, LLC</b>         | ) |                             |
| <b>PURSUANT TO 47 U.S.C. § 252(e)</b>      | ) |                             |
| <hr/>                                      |   |                             |
| <b>IN THE MATTER OF THE APPLICATION OF</b> | ) |                             |
| <b>CENTURYTEL OF THE GEM STATE, INC.</b>   | ) | <b>CASE NO. CGS-T-15-03</b> |
| <b>DBA CENTURYLINK FOR APPROVAL OF</b>     | ) |                             |
| <b>ITS TRAFFIC EXCHANGE AGREEMENT</b>      | ) |                             |
| <b>WITH LEVEL 3 COMMUNICATIONS, LLC</b>    | ) | <b>ORDER NO. 33631</b>      |
| <b>PURSUANT TO 47 U.S.C. § 252(e)</b>      | ) |                             |

On October 4, 2016, Qwest Corporation dba CenturyLink QC; CenturyTel of Idaho, Inc. dba CenturyLink; and CenturyTel of the Gem State, Inc. dba CenturyLink applied to the Commission for an Order approving an amendment to their respective existing Interconnection Agreements with Level 3 Communications, LLC. With this Order, the Commission approves the amended 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**

In these Applications, the parties ask the Commission to approve an amendment to their respective existing Interconnection Agreements. The Commission approved the initial Interconnection Agreements on November 12, 2008, and August 21, 2015. The amendments were voluntarily negotiated and add terms and conditions for the exchange of interconnected Voice over Internet Protocol (VoIP) and Public Switched Telephone Network (PSTN) traffic.

### **STAFF RECOMMENDATION**

The Staff has reviewed the Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the amendments are consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the amendments.

### **COMMISSION DECISION**

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). The Commission’s review is limited, however. 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 recommendation, the Commission finds that the amendments are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments should be approved. Approval of these Applications does not negate either party’s responsibility to obtain a Title 62 Certificate of Public Convenience and Necessity (pursuant to Commission Order No. 26665) 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 amended Interconnection Agreement of Qwest Corporation dba CenturyLink QC and Level 3 Communications, LLC, Case No. QWE-T-02-08, is approved.

IT IS FURTHER ORDERED that the amended Traffic Exchange Agreement of CenturyTel of Idaho, Inc. dba CenturyLink and Level 3 Communications, LLC, Case No. CEN-T-15-03, is approved.

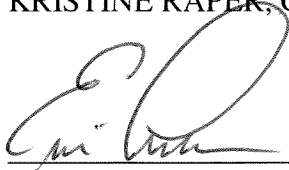
IT IS FURTHER ORDERED that the amended Traffic Exchange Agreement of CenturyTel of the Gem State, Inc. dba CenturyLink and Level 3 Communications, LLC, Case No. CGS-T-15-03, is approved.

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 20<sup>th</sup> day of October 2016.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

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