

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF IDAHO, INC. DBA) **CASE NO. CEN-T-15-06**
CENTURYLINK FOR APPROVAL OF ITS)
TRAFFIC EXCHANGE AGREEMENT WITH)
BANDWIDTH.COM CLEC, LLC PURSUANT)
TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF THE GEM STATE, INC.) **CASE NO. CGS-T-15-06**
DBA CENTURYLINK FOR APPROVAL OF)
ITS TRAFFIC EXCHANGE AGREEMENT)
WITH BANDWIDTH.COM CLEC, LLC)
PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION DBA) **CASE NO. QWE-T-04-23**
CENTURYLINK QC FOR APPROVAL OF AN)
AMENDMENT TO ITS INTERCONNECTION)
AGREEMENT WITH CENTURYLINK)
COMMUNICATIONS, LLC PURSUANT TO 47) **ORDER NO. 33415**
U.S.C. § 252(e))

In these cases, the Commission is asked to approve Traffic Exchange Agreements and an amendment of a previously-approved Interconnection Agreement. With this Order, the Commission approves the aforementioned Agreements.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996 (“the Act”), 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

1. CenturyTel of Idaho, Inc. dba CenturyLink and Bandwidth.com CLEC, LLC, Case No. CEN-T-15-06. On October 8, 2015, CenturyTel of Idaho submitted an Application for approval of its Traffic Exchange Agreement with Bandwidth.com. The Agreement establishes terms and conditions for interconnection, transport and termination of traffic, ancillary services, and pricing.

2. CenturyTel of the Gem State dba CenturyLink and Bandwidth.com CLEC, LLC, Case No. CGS-T-15-06. On October 8, 2015, CenturyTel of the Gem State submitted an Application for approval of its Traffic Exchange Agreement with Bandwidth.com. The Agreement establishes terms and conditions for interconnection, transport and termination of traffic, ancillary services, and pricing.

3. Qwest Corporation dba CenturyLink QC and CenturyLink Communications, LLC, Case No. QWE-T-04-23. On October 8, 2015, the Commission received an Application requesting approval of an amendment to the Interconnection Agreement. The parties’ original Agreement was approved by the Commission on October 6, 2004. *See* Order No. 29606. This amendment adds terms and conditions for DC Power Reduction and Restoration.

STAFF RECOMMENDATION

Staff reviewed the Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that all of the Agreements referenced above are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the Agreements.

COMMISSION FINDINGS

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). However, the Commission’s review is limited. 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 recommendations, the Commission finds that the Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Amendment and the Agreements should be approved. Approval does not negate the responsibility of any party to obtain a Certificate of Public Convenience and Necessity 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 Traffic Exchange Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and Bandwidth.com CLEC, LLC, Case No. CEN-T-15-06, is approved.

IT IS FURTHER ORDERED that the Traffic Exchange Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink and Bandwidth.com CLEC, LLC, Case No. CGS-T-15-06, is approved.

IT IS FURTHER ORDERED that the Amendment to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and CenturyLink Communications, LLC, Case No. QWE-T-04-23, 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.

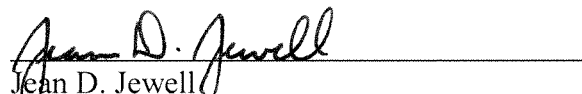
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3rd
day of November 2015.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


KRISTINE RAPER, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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