

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION DBA) CASE NO. QWE-T-08-01
 CENTURYLINK QC FOR APPROVAL OF)
 AMENDMENTS TO ITS)
 INTERCONNECTION 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-02-02
 CENTURYLINK QC FOR APPROVAL OF)
 AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 XO COMMUNICATIONS SERVICES INC.)
 PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CITIZENS TELECOMMUNICATIONS) CASE NO. CTC-T-12-01
 COMPANY OF IDAHO, INC. FOR)
 APPROVAL OF ITS INTERCONNECTION)
 AGREEMENT WITH LEVEL 3)
 COMMUNICATIONS, LLC PURSUANT TO)
 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF IDAHO, INC. AND) CASE NOS. CEN-T-12-04
 CENTURYTEL OF THE GEM STATE, INC.) CGS-T-12-04
 DBA CENTURYLINK, FOR APPROVAL OF)
 ITS INTERCONNECTION AGREEMENT)
 WITH GRANITE) ORDER NO. 32619
 TELECOMMUNICATIONS, LLC)
 PURSUANT TO 47 U.S.C. § 252(e))

In these cases, the Commission is asked to approve new Interconnection Agreements and amendments to Interconnection Agreements. With this Order, the Commission approves the Interconnection Agreements and amendments to the 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 APPLICATION

1. Qwest Corporation dba CenturyLink QC and Bandwidth.com CLEC, LLC, Case No. QWE-T-08-01. On August 7, 2012, CenturyLink QC submitted an Application seeking approval of amendments to its Interconnection Agreement with Bandwidth.com. The parties’ original Agreement was approved by the Commission on April 11, 2008. *See* Order No. 30527. The proposed amendment is in compliance with Federal Communications Commission (FCC) Docket No. 01-92. The amendment pertains to the parties’ rights and obligations in the exchange of VoIP traffic. The new FCC rules went into effect on December 29, 2011. *See* FCC 11-161. The amended Agreement with the new terms, conditions and rates can be found in Attachment 1 and Exhibit A of the Application.

2. Qwest Corporation dba CenturyLink QC and XO Communications Services, Inc., Case No. QWE-T-02-02. On August 7, 2012, CenturyLink QC submitted an Application seeking approval of amendments to its Interconnection Agreement with XO. The parties’ original agreement was approved by the Commission on February 28, 2002. *See* Order No. 28964. The proposed amendment is in compliance with Federal Communications Commission (FCC) Docket No. 01-92. The amendment pertains to the parties’ rights and obligations in the exchange of VoIP traffic. The new FCC rules went into effect on December 29, 2011. *See* FCC 11-161. The amended Agreement with the new terms, conditions and rates can be found in Attachment 1 and Exhibit A of the Application.

3. Citizens Telecommunication Company, Inc. and Level 3 Communications, LLC, Case No. CTC-T-12-01. On July 24, 2012, Citizens submitted an Application seeking the Commission’s approval of its Interconnection Agreement with Level 3. The parties request that

the Commission approve an Interconnection Agreement that includes terms and conditions, ancillary services, local number portability, reciprocal compensation, and pricing for interconnection of facilities and networks for transport of local traffic between the companies.

4. CenturyTel of Idaho, Inc. and CenturyTel of the Gem State, Inc. dba CenturyLink and Granite Telecommunications, LLC, Case Nos. CEN-T-12-04 and CGS-T-12-04. On July 20, 2012, CenturyLink submitted an Application seeking the Commission's approval of the parties' Interconnection Agreement with Granite. The parties request that the Commission approve an agreement that includes terms, conditions, ancillary services and pricing for the resale of telecommunications services within the State of Idaho.

STAFF RECOMMENDATION

Staff reviewed the foregoing Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Interconnection Agreements and the amendments to the Interconnection Agreements 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 foregoing Interconnection Agreements and amendments to Interconnection Agreement.

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). 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 Interconnection Agreements and amendments to the Interconnection Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Interconnection Agreements and amendments to the Agreements, reviewed by Staff and more fully described above, should be approved. Approval of the Agreements does not negate the responsibility of either party to these Agreements 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 amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Bandwidth.com CLEC, LLC, Case No. QWE-T-08-01, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and XO Communications Services, Inc., Case No. QWE-T-02-02, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Citizens Telecommunications Company, Inc. and Level 3 Communications, LLC, Case No. CTC-T-12-01, is approved.

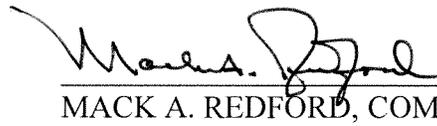
IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of Idaho, Inc. and CenturyTel of the Gem State, Inc. dba CenturyLink and Granite Telecommunications, LLC, Case Nos. CEN-T-12-04 and CGS-T-12-04, is approved.

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 15th
day of August 2012.



PAUL KJELEANDER, PRESIDENT

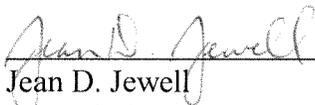


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:QWE-T-08-01_QWE-T-02-02_CTC-T-12-01_CEN-T-12-4_CGS-T-12-04_np