

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	
APPLICATION OF QWEST CORPORATION)	CASE NO. QWE-T-13-08
DBA CENTURYLINK QC AND ONVOY, INC.)	
FOR APPROVAL TO ADOPT THE QWEST-)	
ZAYO GROUP FKA 360NETWORKS (USA),)	
INC. INTERCONNECTION AGREEMENT)	
PURSUANT TO 47 U.S.C. § 252(e))	
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IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION DBA)	CASE NO. QWE-T-13-07
CENTURYLINK QC FOR APPROVAL OF)	
ITS INTERCONNECTION AGREEMENT)	
WITH NOEL COMMUNICATIONS, INC.)	
PURSUANT TO 47 U.S.C. § 252(e))	
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IN THE MATTER OF THE JOINT)	
APPLICATION OF CITIZENS)	CASE NO. CTC-T-13-05
TELECOMMUNICATIONS COMPANY OF)	
IDAHO AND CTC TELECOM, INC. FOR)	
APPROVAL TO ADOPT THE FRONTIER-)	
EDNETICS INTERCONNECTION)	ORDER NO. 32957
AGREEMENT PURSUANT TO 47 U.S.C. §)	
252(e))	

In these cases, the Commission is asked to approve newly negotiated Interconnection Agreements. With this Order, the Commission approves the Interconnection 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. Qwest Corporation dba CenturyLink QC and Onvoy, Inc., Case No. QWE-T-13-08. On December 17, 2013, CenturyLink submitted its Application for approval of its Interconnection, Resale and/or Unbundling Agreement with Onvoy. The parties seek Commission approval to adopt the Interconnection Agreement between CenturyLink and Zayo Group, LLC fka 360networks (USA) Inc. previously approved by the Commission on March 7, 2006, in Case No. QWE-T-06-02. *See* Order No. 29986.

2. Qwest Corporation dba CenturyLink QC and Noel Communications, Inc., Case No. QWE-T-13-07. On November 19, 2013, CenturyLink and Noel filed their joint Application for approval of their Interconnection Agreement. In the Application, the parties state that the 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. The filing also includes Exhibit B (Service Performance Indicators) and Exhibit K (Performance Assurance Plan).

3. Citizens Telecommunications Company of Idaho and CTC Telecom, Inc., Case No. CTC-T-13-05. On December 18, 2013, the Commission received the joint Application from Frontier and CTC Telecom requesting approval to adopt the Interconnection Agreement between Frontier and Ednetics, Inc. The Frontier-Ednetics Interconnection Agreement was approved by the Commission in Case No. CTC-T-13-01. *See* Order No. 32797.

STAFF RECOMMENDATION

Staff 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 Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve the Interconnection Agreements.

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 recommendation, the Commission finds that the Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the interconnection agreements 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 Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Onvoy, Inc., Case No. QWE-T-13-08, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Noel Communications, Inc., Case No. QWE-T-13-07, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Citizens Telecommunications Company of Idaho and CTC Telecom, Inc., Case No. CTC-T-13-05, 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 30th
day of December 2013.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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