DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: CAROLEE HALL

DATE: AUGUST 9, 2012

RE: APPLICATION FOR APPROVAL OF AMENDMENT TO THE INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION DBA CENTURYLINK QC ("CENTURYLINK QC") AND XO COMMUNICATION SERVICES, INC. ("XO").
CASE NO. QWE-T-02-02.

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

On August 7, 2012, CenturyLink QC filed an amendment to its Interconnection Agreement with XO. This Amendment is in compliance with the Federal Communications Commission Docket No. 01-92 that affects the Parties rights and obligations with respect to the

exchange of VoIP traffic. The FCC rules became effective December 29, 2011. *See* FCC 11-161. The Amended Agreement sets out new terms, conditions, and rates in Attachment 1 and Exhibit A of the filing.

STAFF ANALYSIS

Staff has reviewed the amendment between CenturyLink and XO and finds it compatible with federal and state guidelines. Moreover, Staff believes that this filing is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommends approval.

COMMISSION DECISION

Does the Commission agree?

Carolee Hall

i:udmemos/ interconnection agreements/ QWE-T-02-2 CenturyLink QC and XO Communications Services, Inc. Amendment 8-9-12