

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )**  
**QWEST CORPORATION DBA CENTURYLINK QC ) CASE NO. QWE-T-02-08**  
**REQUESTING APPROVAL OF AMENDMENTS TO )**  
**ITS INTERCONNECTION AGREEMENT WITH )**  
**LEVEL 3 COMMUNICATIONS, LLC PURSUANT ) ORDER NO. 32907**  
**TO 47 U.S.C. § 252(e) )**  
**)**

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In this case, the Commission is asked to approve amendments to Qwest Corporation dba CenturyLink QC's existing Interconnection Agreement with Level 3 Communications, LLC. With this Order, the Commission approves the amendments to the Interconnection Agreement.

**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**

On September 26, 2013, the Commission received a proposed amendment to the parties' Interconnection Agreement that was originally approved by the Commission on May 22, 2002. *See* Order No. 29033. In the filing, the companies seek Commission approval to add terms and conditions that will set out rates, terms and conditions for the exchange of VoIP traffic between CLEC providers and LECs. This filing is being made in compliance with the Federal

Communications Commission's (FCC) decision in Docket No. 01-92, *In the Matter of Developing a Unified Intercarrier Compensation Regime*.

On September 27, 2013, the Commission received another proposed amendment to the parties' Interconnection Agreement. In the filing, the companies seek Commission approval to add terms and conditions along with Exhibit H (Calculation of the Relative Use Factor (RUF)).

On October 3, 2013, the Commission received a third Application proposing yet another amendment to the parties' Interconnection Agreement. In the filing, the companies seek Commission approval to add terms, conditions and rates for Bill and Keep VNXX as set forth in Attachment 1 to this amendment.

According to the parties, the amendments were agreed to and reached through voluntary negotiations without resort to mediation or arbitration.

#### **STAFF RECOMMENDATION**

Staff reviewed the Applications for approval of amendments to the Interconnection Agreement 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 to the Interconnection Agreement are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended that the Commission approve the amendments to the 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). 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 Application and Staff's recommendation, the Commission finds that the amendments to the Interconnection Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreement, including amendments thereto, should be approved. Approval of an Interconnection Agreement does not negate the responsibility of either party to an Agreement 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 Level 3 Communications, LLC, Case No. QWE-T-02-08, are 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 11<sup>th</sup> day of October 2013.

  
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PAUL KJELLANDER, COMMISSIONER

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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