

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
QWEST CORPORATION DBA CENTURYLINK)	CASE NO. QWE-T-02-08
QC REQUESTING APPROVAL OF AN)	
AMENDMENT TO ITS INTERCONNECTION)	
AGREEMENT WITH LEVEL 3)	ORDER NO. 34248
COMMUNICATIONS LLC PURSUANT TO 47)	
U.S.C. § 252(e))	

On January 22, 2019, CenturyLink requested that the Commission approve its Application to amend its Interconnection Agreement with Level 3 Communications. With this Order, the Commission approves the amendment to the parties' 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 APPLICATION

On January 22, 2019, CenturyLink submitted an Application for approval to amend its Interconnection Agreement with Level 3 Communications, which was initially approved by the Commission on May 22, 2002. *See* Order No. 29033. In the Application, the parties request that the Commission approve the Reciprocal Compensation Bill and Keep Amendment as attached to their Application.

STAFF RECOMMENDATION

Staff reviewed the Application for approval of the amendment to the parties' Interconnection Agreement and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes the amendment, and the underlying agreement, is consistent with the pro-competitive policies of the Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended the Commission approve the amendment to the parties' Interconnection Agreement.

COMMISSION DECISION

Under the federal 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. 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 the amendment to the parties' Interconnection Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds 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 amendment to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Level 3 Communications LLC, Case No. QWE-T-02-08, 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 *21st*
day of February 2019.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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