

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION DBA)	CASE NO. QWE-T-04-03
CENTURYLINK QC FOR APPROVAL OF)	
AMENDMENTS TO ITS)	
INTERCONNECTION AGREEMENT WITH)	
GRANITE TELECOMMUNICATIONS, LLC)	
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-12-03
CENTURYLINK QC FOR APPROVAL OF)	
ITS INTERCONNECTION AGREEMENT)	
WITH SPECTROTEL, INC. PURSUANT TO)	ORDER NO. 32517
47 U.S.C. § 252(e))	
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In these cases, the Commission is asked to approve an Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Spectrotel, Inc., and amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Granite Telecommunications, LLC. With this Order, the Commission approves the Amendments and 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

1. Qwest Corporation dba CenturyLink QC and Granite Telecommunications LLC, Case No. QWE-T-04-03. On March 22, 2012, CenturyLink submitted an Application to amend its Interconnection Agreement with Granite, first approved by the Commission on February 26, 2004. *See* Order No. 29433. In the Application, the parties request that the Commission approve Amendments that add rates and charges for Minimum Volume Growth Requirement Rollover to the Qwest Local Service Platform (QLSP).

2. Qwest Corporation dba CenturyLink QC and Spectrotel, Inc., Case No. QWE-T-12-03. On February 2, 2012, CenturyLink submitted an Application for approval to allow Spectrotel to adopt, in its entirety, the Interconnection Agreement between CenturyLink and Granite (QWE-T-04-03). *See* Order No. 29433. The parties agree that Spectrotel shall be substituted in place of Granite throughout the underlying agreement.

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 Agreement and the Amendments to the Interconnection Agreement 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 Agreement and Amendments.

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 the Staff's recommendations, the Commission finds that the Interconnection Agreement and Amendments are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that 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 Granite Telecommunications, LLC, Case No. QWE-T-04-03, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Spectrotel, Inc., Case No. QWE-T-12-03, 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 11th day of April 2012.



PAUL KJELLANDER, PRESIDENT

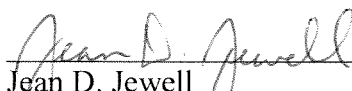


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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