

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION DBA CENTURYLINK ) CASE NO. QWE-T-04-20  
QC FOR APPROVAL OF AMENDMENTS TO )  
ITS INTERCONNECTION AGREEMENT )  
WITH TW TELECOM OF IDAHO LLC )  
PURSUANT TO 47 U.S.C. § 252(e) )**

**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION DBA CENTURYLINK ) CASE NO. QWE-T-05-22  
QC FOR APPROVAL OF AMENDMENTS TO )  
ITS INTERCONNECTION AGREEMENT )  
WITH PAC-WEST TELECOMM, INC. ) ORDER NO. 32679  
PURSUANT TO 47 U.S.C. § 252(e) )**

In these cases the Commission is asked to approve amendments to previously approved Interconnection Agreements. With this Order, the Commission approves the amendments to 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 tw telecom of Idaho LLC, Case No. QWE-T-04-20. On November 1, 2012, CenturyLink submitted an Application for approval of amendments to its Interconnection Agreement with tw telecom, previously approved by the

Commission on August 2, 2004. *See* Order No. 29559. In the Application, the parties request that the Commission approve changes to the terms and conditions of the parties' Inter-carrier Compensation Agreement. These revisions are in compliance with the Federal Communications Commission (FCC) Docket No. 01-92, *In the Matter of Developing a Unified Inter-carrier Compensation Regime*.

2. Qwest Corporation dba CenturyLink QC and Pac-West Telecomm, Inc., Case No. QWE-T-05-22. On November 1, 2012, CenturyLink filed an Application seeking Commission approval of amendments to its original Interconnection Agreement with Pac-West, approved by the Commission on November 23, 2005. *See* Order No. 29920. The parties request Commission approval of new terms and conditions for inter-carrier compensation pertaining to Internet Protocol (VoIP) services. This filing is in compliance with FCC Docket No. 01-92, *In the Matter of Developing a Unified Inter-carrier Compensation Regime*.

#### **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 amendments to 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 Amendments to 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 the Staff's recommendation, the Commission finds that the Amendments to the Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Amendments to the 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 amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and tw telecom of Idaho LLC, Case No. QWE-T-04-20, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Pac-West Telecomm, Inc., Case No. QWE-T-05-22, 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.

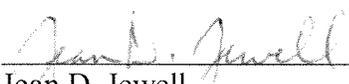
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 15<sup>th</sup>  
day of November 2012.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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