

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION dba) CASE NO. QWE-T-04-20
CENTURYLINK QC FOR APPROVAL AN)
AMENDMENT TO AN INTERCONNECTION)
AGREEMENT WITH LEVEL 3 TELECOM,) ORDER NO. 34281
LLC (fka TW TELECOM, LLC, fka TIME)
WARNER TELECOM, LLC) FOR THE)
STATE OF IDAHO PURSUANT TO 47 U.S.C.)
§ 252(e).)

On February 22, 2019, Qwest Corporation dba CenturyLink QC (“CenturyLink”) applied for an order approving a Reciprocal Compensation Bill and Keep Amendment (the “Amended Agreement”) to its existing Interconnection Agreement with Level 3 Telecom of Idaho, LLC (fka TW Telecom, LLC, fka Time Warner Telecom, LLC) (“Level 3 Telecom”). With this Order, the Commission approves the Amended Agreement.

BACKGROUND

Under the federal Telecommunications Act of 1996, interconnection agreements, including any amendments to them, 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: (1) the agreement 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 rule 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

In this Application, CenturyLink asks the Commission to approve an amendment to its Interconnection Agreement with Level 3 Telecom. The Commission approved the initial Interconnection Agreement on August 2, 2004. *See* Order No. 29559. The Application states the

parties reached the Amended Agreement through voluntary negotiations without resort to mediation or arbitration. Application at 1. Under the Amended Agreement, reciprocal compensation would be at Bill and Keep for the exchange of exchange service or extended area service traffic, as specified in Exhibit A to the Amended Agreement.

STAFF RECOMMENDATION

Staff reviewed the Application and believes the Amended Agreement is not discriminatory or contrary to the public interest. Staff also believes the Amended Agreement is consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the Amended Agreement.

COMMISSION DECISION

Under the federal Telecommunications Act, interconnection agreements 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 would discriminate against nonparty telecommunications carriers or that implementing it would be inconsistent with the public interest, convenience and necessity. *Id.*

Based upon our review of the Application and the Staff's recommendation, the Commission finds the Amended Agreement does not discriminate against nonparty telecommunications carriers, and that implementing it would be consistent with the public interest, convenience and necessity. Therefore, the Commission finds it reasonable to grant the Application and approve the Amended Agreement. Our approval of the Amended Agreement does not negate either party's responsibility to obtain a Certificate of Public Convenience and Necessity if they offer local exchange services, or to comply with *Idaho Code* §§ 62-604 and 62-606 if they provide other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

IT IS HEREBY ORDERED that the Application is granted, and the Amended Agreement is approved.

THIS IS A FINAL ORDER. Any person interested in this order may petition for reconsideration within twenty-one (21) days of the service date of this order with regard to any matter decided in 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 *20th* day of March 2019.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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