

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: CAROLEE HALL

DATE: NOVEMBER 2, 2012

RE: APPLICATION FOR APPROVAL OF AMENDMENT TO THE INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION DBA CENTURYLINK ("CENTURYLINK") AND TW TELECOM OF IDAHO, LLC FKA TIME WARNER TELECOM OF IDAHO, LLC ("TW TELECOM"); CASE NO. QWE-T-04-20.

BACKGROUND

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements 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.

CURRENT APPLICATION

The original Interconnection Agreement between CenturyLink and tw telecom was approved by this Commission on August 2, 2004, Order Number 29559.

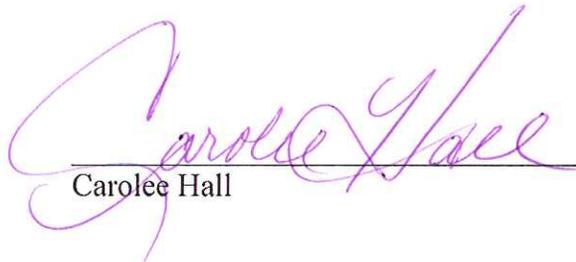
This Amendment, filed on November 1, 2012, was jointly entered into between CenturyLink and tw telecom, and requests Commission approval to make changes to the terms and conditions of the Intercarrier Compensation Agreement. These revisions are in compliance with the Federal Communications Commission's Docket No. 01-92, *In the Matter of Developing a Unified Intercarrier Compensation Regime*.

STAFF ANALYSIS

Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Because the Agreement was reached through voluntary negotiations Staff believes that the Amendment is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Amendment merits the Commission's approval.

COMMISSION DECISION

Does the Commission wish to accept and approve the Amendment to the Interconnection Agreement?


Carolee Hall

i:udmemos/QWE-T-04-20 CenturyLink and twtelecom November 1, 2012