

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: APRIL 4, 2014

RE: APPLICATION FOR APPROVAL OF A CENTURYLINK LOCAL SERVICES PLATFORM (CLSP) AGREEMENT BETWEEN QWEST CORPORATION DBA CENTURYLINK QC (“CENTURYLINK”) AND IONEX COMMUNICATIONS NORTH, INC. DBA BIRCH COMMUNICATIONS (“BIRCH”). CASE NO. QWE-T-05-14.

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

On March 26, 2014, this Commission received an Application from CenturyLink requesting approval of its CenturyLink Local Services Platform (CLSP) Agreement with Birch. See Case No. QWE-T-05-14. According to the CLSP Agreement, certain services provided are

being amended by CenturyLink. See sections 109.23.2.1.1, 109.11.2 and 109.23.2 attached with the filing.

As stated in the Application, both parties request an expeditious approval process and maintain that the amended Agreement was reached through voluntary negotiations.

STAFF ANALYSIS AND RECOMMENDATION

Staff has reviewed the Application for the CLSP Agreement between CenturyLink and Ionex Communications North, Inc. dba Birch Communications. Staff believes that the Agreement meets the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:\udmemos\CLSP\QWE-T-05-14 CenturyLink and Birch Communications