

## 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  
D/B/A CENTURYLINK QC ("CENTURYLINK") AND PAC WEST  
TELECOM, INC. ("PAC WEST"). CASE NO. QWE-T-05-22.

### 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 November 1, 2012, this Commission received an Application from CenturyLink requesting authority to amend its Interconnection Agreement with Pac West Telecom, Inc., in Case No. QWE-T-05-22. The original Agreement was approved by this Commission on

November 23, 2005. This amended Agreement provides terms and conditions for Intercarrier compensation between parties over Internet Protocol (VoIP) services. This filing is in compliance with the Federal Communications Commission Docket No. 01-92, *In the Matter of Developing an Unified Intercarrier Compensation Regime*

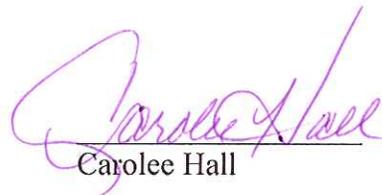
As stated in this Application, both parties request an expeditious approval process and maintain that the Agreement was reached through voluntary negotiations.

#### **STAFF ANALYSIS**

Staff has reviewed the Application to amend the Interconnection Agreement between CenturyLink and PacWest. Staff believes that the Agreement 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 request to amend the Interconnection Agreement between CenturyLink and Pac West merits the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree?



Carolee Hall

i:udmemos/QWE-T-05-22 CenturyLink and Pac West Telecom, Inc.