

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION DBA) CASE NO. QWE-T-11-03
CENTURYLINK QC FOR APPROVAL OF)
AMENDMENTS TO ITS INTERCONNECTION)
AGREEMENT WITH VERIZON WIRELESS)
PURSUANT TO 47 U.S.C. § 252 (e))**

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION DBA) CASE NO. QWE-T-13-01
CENTURYLINK QC FOR APPROVAL OF)
AMENDMENTS TO ITS INTERCONNECTION)
AGREEMENT WITH NEW HORIZONS)
COMMUNICATIONS CORPORATION) ORDER NO. 32812
PURSUANT TO 47 U.S.C. § 252 (e))**

In these cases, the Commission is asked to approve amendments to the Interconnection Agreements between Qwest Corporation dba CenturyLink QC and Verizon Wireless, and the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and New Horizons Communications Corporation. With this Order, the Commission approves the amendments and Interconnection Agreement.

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 Verizon Wireless, Case No. QWE-T-11-03. On April 30, 2013, CenturyLink submitted an Application to amend its Interconnection Agreement with Verizon, originally approved by the Commission on March 4, 2011. *See* Order No. 32198. With this Application, the parties seek Commission approval to add terms and conditions governing the exchange of non-access telecommunications traffic in their Type 2 Wireless Interconnection Agreement.

2. Qwest Corporation dba CenturyLink QC and New Horizons Communications Corporation, Case No. QWE-T-13-01. On May 2, 2013, CenturyLink submitted an Application for approval of its Interconnection Agreement with New Horizons. The parties request that the Commission approve the terms and conditions for interconnection, unbundled network elements, ancillary services, and resale of telecommunications services within the State of Idaho.

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 Interconnection Agreement and amendments to the Interconnection Agreement are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the Interconnection Agreement and 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 Interconnection Agreement and amendments to the Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Interconnection Agreement and amendments to the Interconnection Agreement 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 Verizon Wireless, Case No. QWE-T-11-03, are approved.

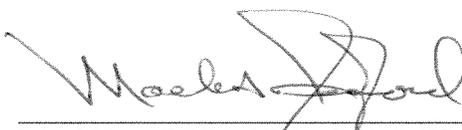
IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and New Horizons Communications Corporation, Case No. QWE-T-13-01, is approved.

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 23rd
day of May 2013.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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