

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION DBA CENTURLINK) **CASE NO. QWE-T-12-02**
QC REQUESTING APPROVAL OF THE)
ADOPTION OF THE INTERCONNECTION)
AGREEMENT BETWEEN QWEST)
CORPORATION AND AT&T)
COMMUNICATIONS OF THE MOUNTAIN) **ORDER NO. 32447**
STATES, INC. PURSUANT TO 47 U.S.C. § 252(e))
)

In this case, the Commission is asked to approve the Application of Qwest Corporation dba CenturyLink QC (“CenturyLink”) to permit TC Systems, Inc. (“TCS”) to adopt the existing Interconnection Agreement between CenturyLink and AT&T Communications, Inc. (“AT&T”), approved by the Commission on June 22, 2004. *See* Order No. 29530. With this Order, the Commission approves the adoption of the Interconnection Agreement.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, 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 APPLICATION

In its Application filed January 17, 2012, CenturyLink states that it received a letter indicating that TCS wished to adopt the terms of the existing Interconnection Agreement, including any associated amendments, if applicable, between AT&T and CenturyLink that were

previously approved by the Commission on June 22, 2004. The Application states that the parties reached this decision to adopt the Interconnection Agreement through voluntary negotiations and without resorting to mediation.

STAFF RECOMMENDATION

Staff reviewed the Application to adopt the AT&T Agreement 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 is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended the Commission approve the parties' Interconnection Agreement.

COMMISSION FINDINGS

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). The Commission's review is limited, however. 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 Application and the Staff's recommendation, the Commission finds that the parties' Interconnection Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the agreement, including amendments thereto, should be approved. Approval of an interconnection agreement does not negate the responsibility of either party to an agreement 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 Interconnection Agreement between Qwest Corporation dba CenturyLink QC and TC Systems, Inc., Case No. QWE-T-12-02, 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.

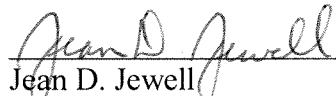
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26th day of January 2012.


PAUL KJELLANDER, COMMISSIONER


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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