

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: MARCH 22, 2012

RE: APPLICATION FOR APPROVAL OF AN INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION DBA
CENTURYLINK QC (“CENTURYLINK QC”) AND OPTIX MEDIA, LLC
 (“OPTIX MEDIA”). CASE NO. QWE-T-12-04.

APPLICATION

On March 15, 2012, this Commission received an Application from CenturyLink QC requesting approval of its Interconnection Agreement with Optix Media, LLC. See Case No. QWE-T-11-04.

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.

DISCUSSION

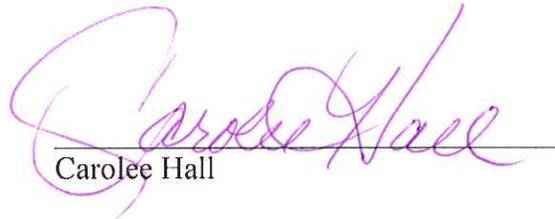
In the filing the companies agreed to the adoption of CenturyLink's Interconnection Agreement setting forth terms and conditions for unbundled network elements, ancillary services and resale of telecommunications services. The Agreement also included Exhibit B (271 PID Version 9.1) and Exhibit K (PAP Version - Third Revised, Seventh Amended, dated December 17, 2010).

STAFF ANALYSIS

Staff has reviewed the Application between the parties. Staff believes the Interconnection Agreement meets the terms and conditions of this Commission and is consistent with the pro-competitive policies of this Commission and the Idaho Legislature. Staff recommends that the Interconnection Agreement be approved.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:\udmemos\QWE-T-12-04 CenturyLink QC and Optix Media, LLC.