

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF FRONTIER COMMUNICATIONS) CASE NO. VZN-T-06-05
NORTHWEST INC. FKA VERIZON)
NORTHWEST INC. FOR APPROVAL OF)
AMENDMENTS TO ITS)
INTERCONNECTION AGREEMENT WITH)
TW TELECOM OF IDAHO LLC PURSUANT)
TO 47 U.S.C. 242(e))**

**IN THE MATTER OF THE APPLICATION)
OF CENTURYTEL OF IDAHO, INC. AND) CASE NO. QWE-T-12-06
CENTURYTEL OF THE GEM STATE, INC.)
DBA CENTURYLINK FOR APPROVAL OF)
ITS INTERCONNECTION AGREEMENT) ORDER NO. 32643
WITH ACCESS POINT, INC. PURSUANT TO)
47 U.S.C. 242(e))**

In these cases, the Commission is asked to approve amendments to an Interconnection Agreement, and a new Interconnection Agreement. With this Order, the Commission approves the Interconnection Agreement and Amendments to the 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. Frontier Communications Northwest Inc. and tw telecom of Idaho llc, Case No. VZN-T-06-05. On August 14, 2012, Frontier submitted an Application for approval of an Amendment to its Interconnection Agreement with tw telecom, previously approved by the Commission on July 7, 2006. *See* Order No. 30097. In the Application, the parties request that the Commission approve the terms and conditions for Reciprocal Compensation, VoIP Traffic, and IntraLATA Toll Traffic according to the provisions of the *USF/ICC Transformation Order* 11-161 (released November 18, 2011).

2. CenturyTel of Idaho, Inc. and CenturyTel of the Gem State, Inc. dba CenturyLink and Access Point, Inc., Case No. QWE-T-12-06. On August 15, 2012, CenturyLink filed an Application seeking Commission approval of its Interconnection Agreement with Access Point. The parties request Commission approval of their Agreement to adopt the terms and conditions of a resale agreement previously entered into by CenturyLink and QuantumShift Communications, Inc.

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 Agreement.

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 Staff's recommendation, the Commission finds that the amendments to the Agreement and the Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the

Commission finds that the amendments to the Agreement and the 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 Frontier Communications Northwest Inc. fka Verizon Northwest Inc. and tw telecom of Idaho llc, Case No. VZN-T-06-05, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of Idaho, Inc. and CenturyTel of the Gem State, Inc. dba CenturyLink and Access Point, Inc., Case No. QWE-T-12-06, 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 13th
day of September 2012.



PAUL KJELLANDER, PRESIDENT

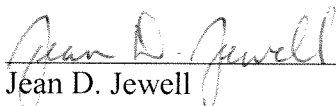


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:VZN-T-06-05_QWE-T-12-06_np