

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )  
QWEST CORPORATION DBA CENTURYLINK QC ) CASE NO. QWE-T-12-07  
REQUESTING APPROVAL OF AN )  
INTERCONNECTION AGREEMENT WITH )  
EDNETICS INC. PURSUANT TO 47 U.S.C. § 252(e) ) ORDER NO. 32686  
\_\_\_\_\_ )**

In this case, the Commission is asked to approve the Application of Qwest Corporation dba CenturyLink QC for approval of its Interconnection Agreement with Ednetics, Inc. With this Order, the Commission approves the parties' 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**

On October 9, 2012, CenturyLink submitted an Application for approval of its Interconnection Agreement with Ednetics. The parties' initial filing did not include Exhibit K, the Performance Assurance Plan (“PAP”). The PAP is a self-executing remedy plan that provides payments for the CLEC should CenturyLink fail to comply with any of the performance indicators (“PID”) as set out in Exhibit B of the interconnection agreement.

## STAFF RECOMMENDATION

Staff reviewed the Application of the parties' Interconnection 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 that the Commission approve the parties' 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). 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 Ednetics, Inc., Case No. QWE-T-12-07, 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.

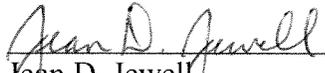
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21<sup>st</sup>  
day of November 2012.

  
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PAUL KJELLANDER, COMMISSIONER

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

O:QWE-T-12-07\_np