

DECISION MEMORANDUM

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

FROM: CAROLEE HALL

DATE: NOVEMBER 8, 2012

RE: APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION DBA CENTURYLINK QC ("CENTURYLINK QC") AND EDNETICS INC. ("EDNETICS"). CASE NO. QWE-T-12-07.

APPLICATION

On October 9, 2012, this Commission received an Application from CenturyLink QC requesting approval of its Interconnection Agreement with Ednetics. See Case No. QWE-T-12-07. The filing did not include Exhibit K, which is the Performance Assurance Plan ("PAP"). The PAP is a self-executing remedy plan that provides payments for the CLEC should CenturyLink QC miss any of the performance indicators ("PID") as set out in Exhibit B of the interconnection agreement.

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

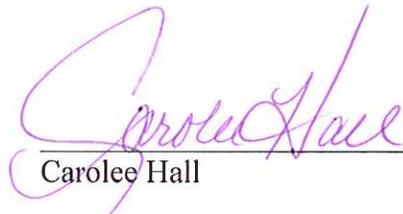
Upon discovering that the Exhibit K was omitted from the filing, Staff discussed this with the CLEC. Following the discussion regarding the Exhibit K, Ednetics contacted CenturyLink QC and requested that the Exhibit K be added to the filing. On November 6, 2012, CenturyLink QC filed an amendment and added Exhibit K to the original filing.

STAFF ANALYSIS

Staff has reviewed the Application and Amendment between the parties. Staff believes the filings meet 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-12-07 CenturyLink QC and EDNETICS, INC.