

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION OF )  
 QWEST CORPORATION DBA ) CASE NO. QWE-T-12-09  
 CENTURYLINK QC FOR APPROVAL OF )  
 AMENDMENTS TO ITS INTERCONNECTION )  
 AGREEMENT WITH CUSTER TELEPHONE )  
 BROADBAND SERVICES, LLC, PURSUANT )  
 TO 47 U.S.C. § 252(e) )

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IN THE MATTER OF THE APPLICATION OF )  
 QWEST CORPORATION DBA ) CASE NO. QWE-T-12-08  
 CENTURYLINK QC FOR APPROVAL OF )  
 AMENDMENTS TO ITS INTERCONNECTION )  
 AGREEMENT WITH PRAXIS LTD. CO. DBA )  
 A+ SATELLITE, PURSUANT TO 47 U.S.C. § )  
 252(e) )

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IN THE MATTER OF THE APPLICATION OF )  
 QWEST CORPORATION DBA ) CASE NO. QWE-T-04-22  
 CENTURYLINK QC FOR APPROVAL OF )  
 AMENDMENTS TO ITS INTERCONNECTION )  
 AGREEMENT WITH TALK AMERICA, INC., )  
 PURSUANT TO 47 U.S.C. § 252(e) )

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IN THE MATTER OF THE APPLICATION OF )  
 QWEST CORPORATION DBA ) CASE NO. QWE-T-00-07  
 CENTURYLINK QC FOR APPROVAL OF )  
 AMENDMENTS TO ITS INTERCONNECTION )  
 AGREEMENT WITH McLEODUSA )  
 TELECOMMUNICATIONS SERVICES, LLC )  
 DBA PAETEC BUSINESS SERVICES, ) ORDER NO. 32707  
 PURSUANT TO 47 U.S.C. § 252(e). )

In these cases, the Commission is asked to approve amendments to previously approved Interconnection Agreements. With this Order, the Commission approves the amendments to the Interconnection Agreements.

**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 APPLICATIONS**

1. Qwest Corporation dba CenturyLink QC and Custer Telephone Broadband Services, LLC, Case No. QWE-T-12-09. On November 28, 2012, CenturyLink submitted an Application seeking approval of its Interconnection Agreement with Custer. On December 20, 2012, CenturyLink submitted further amendments to its original Application. The parties request that the Commission approve the terms and conditions for interconnection, unbundled network elements, ancillary services and resale of telecommunications services.

2. Qwest Corporation dba CenturyLink QC and Praxis Ltd. Co. dba A+ Satellite, Case No. QWE-T-12-08. On November 28, 2012, CenturyLink submitted an Application seeking approval of amendments to its Interconnection Agreement, initially approved by the Commission on December 11, 2012, with A+. *See* Order No. 32694. The amendments set forth the terms, conditions and rate sheets for the CenturyLink Local Services Platform (CLSP).

3. Qwest Corporation dba CenturyLink QC and Talk America, Inc., Case No. QWE-T-04-22. On December 18, 2012, CenturyLink submitted an Application seeking the Commission’s approval of amendments to the parties’ Interconnection Agreement, initially approved by the Commission on September 14, 2004. *See* Order No. 29594. In this Application, the parties request that the Commission approve the terms and conditions for the ICC Voice over Internet Protocol (VoIP) Amendment.

4. Qwest Corporation dba CenturyLink QC and McLeodUSA Telecommunications Services, LLC dba Paetec Business Services, Case No. QWE-T-00-07. On December 18, 2012, CenturyLink submitted an Application seeking the Commission’s approval of amendments to the parties’ Interconnection Agreement, initially approved by the Commission on November 13,

2000. See Order No. 28565. In this Application, the parties request that the Commission approve the terms and conditions for the ICC Voice over Internet Protocol (VoIP) Amendment.

### **STAFF RECOMMENDATION**

Staff reviewed the foregoing Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the amendments to the Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve the foregoing amendments to the Interconnection Agreements.

### **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). 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 recommendations, the Commission finds that the amendments to the Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments to the Agreements, reviewed by Staff and more fully described above, 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 Qwest Corporation dba CenturyLink QC and Custer Telephone Broadband Services, LLC, Case No. QWE-T-12-09, are approved.

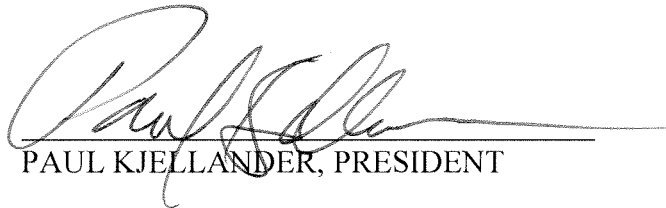
IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Praxis Ltd. Co., dba A+ Satellite, Case No. QWE-T-12-08, are approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Talk America, Inc., Case No. QWE-T-04-22, are approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and McLeodUSA Telecommunications Services dba Paetec Business Services, Case No. QWE-T-00-07, are 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.*

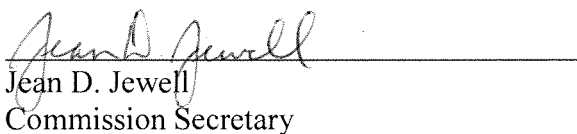
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3<sup>rd</sup> day of January 2013.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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