

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
 CITIZENS TELECOMMUNICATIONS) **CASE NO. CTC-T-15-01**
 COMPANY OF IDAHO FOR APPROVAL OF)
 ITS INTERCONNECTION AGREEMENT)
 WITH CENTURYLINK COMMUNICATIONS,)
 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-15-01**
 CENTURYLINK QC FOR APPROVAL OF ITS)
 INTERCONNECTION AGREEMENT WITH)
 IONEX COMMUNICATIONS NORTH, INC.)
 DBA BIRCH COMMUNICATIONS)
 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-15-02**
 CENTURYLINK QC FOR APPROVAL OF ITS)
 BROADBAND FOR RESALE SERVICE)
 AGREEMENT WITH IONEX)
 COMMUNICATIONS NORTH, INC. DBA) **ORDER NO. 33272**
 BIRCH COMMUNICATIONS PURSUANT TO)
 47 U.S.C. § 252(e))

In these cases, the Commission is asked to approve newly negotiated Interconnection Agreements. With this Order, the Commission approves the Interconnection Agreements.

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. Citizens Telecommunications Company of Idaho and CenturyLink Communications, LLC, Case No. CTC-T-15-01. On March 10, 2015, the Commission received an Application from Citizens requesting approval of its Interconnection Agreement with CenturyLink Communications. The parties’ Agreement sets out terms and conditions, ancillary services, collocation, and pricing for resale of local services for interconnection between the companies.

2. Qwest Corporation dba CenturyLink QC and Ionex Communications North, Inc. dba Birch Communications, Case No. QWE-T-15-01. On March 19, 2015, CenturyLink submitted an Application for approval of its Interconnection Agreement with Ionex Communications North, Inc. dba Birch Communications. The Agreement sets out the rates, terms and conditions for interconnecting their networks. This filing also includes Exhibit A (Service Performance Indicators) and Exhibit K (Performance Assurance Plan).

3. Qwest Corporation dba CenturyLink QC and Ionex Communications North, Inc. dba Birch Communications, Case No. QWE-T-15-02. On March 23, 2015, the Commission received an Application from CenturyLink requesting Commission approval of the Broadband for Resale Service Agreement with Ionex Communications North, Inc. dba Birch Communications. This agreement specifies the description, terms, and conditions for resale of broadband services in Idaho.

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 Agreements 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 Agreements.

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 the Staff's recommendation, the Commission finds that the Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Interconnection Agreements 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 Interconnection Agreement between Citizens Telecommunications Company of Idaho and CenturyLink Communications, LLC, Case No. CTC-T-15-01, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and Ionex Communications North, Inc. dba Birch Communications, Case No. QWE-T-15-01, is approved.

IT IS FURTHER ORDERED that the Broadband for Resale Service Agreement between Qwest Corporation and Ionex Communications North, Inc. dba Birch Communications, Case No. QWE-T-15-02, 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.

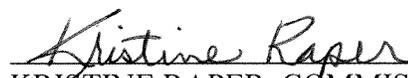
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th
day of April 2015.



PAUL KJELLANDER, PRESIDENT

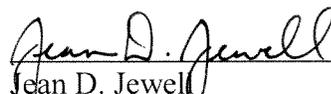


MACK A. REDFORD, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:CTC-T-15-01_QWE-T-15-01_QWE-T-15-02