

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	
<b>QWEST CORPORATION DBA CENTURYLINK</b>	)	<b>CASE NO. QWE-T-15-03</b>
<b>QC FOR APPROVAL OF AN AMENDMENT</b>	)	
<b>TO ITS INTERCONNECTION AGREEMENT</b>	)	
<b>WITH AIRUS, INC. PURSUANT TO 47 U.S.C. §</b>	)	<b>ORDER NO. 33715</b>
<b>252(e)</b>	)	

---

On January 26, 2017, Qwest Corporation dba CenturyLink QC (“CenturyLink”) applied to the Commission for an Order approving the amendment to its Interconnection Agreement with Airus, Inc.

With this Order, the Commission approves the amended Interconnection Agreement.

**BACKGROUND**

Under the provisions 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.

**THE APPLICATION**

In its Application, CenturyLink asked the Commission to approve an amendment to its Interconnection Agreement with Airus. The Commission approved the initial Interconnection Agreement on June 5, 2015. Order No. 33315. The Application stated that the amendment was voluntarily negotiated by the parties, and it establishes terms and conditions under which Airus exchanges traffic with CenturyLink.

### **STAFF RECOMMENDATION**

Staff reviewed the Application and believes the terms and conditions are not discriminatory or contrary to the public interest. Staff also believes the Application and amendment are 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 Application.

### **COMMISSION DECISION**

Under the terms of the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). 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 Application and the Staff's recommendation, the Commission finds that the amendment is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. Our approval of the Application does not negate either party's responsibility to obtain a Certificate of Public Convenience and Necessity if they offer local exchange services, or to comply with *Idaho Code* §§ 62-604 and 62-606 if they provide other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

### **ORDER**


IT IS HEREBY ORDERED that the amended Interconnection Agreement between CenturyLink and Airs, Case No. QWE-T-15-03, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in 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.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this  
day of February 2017.

  
PAUL KJELLANDER, PRESIDENT

  
KRISTINE RAPER, COMMISSIONER

  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
Diane M. Hanian  
Commission Secretary

bls/O:QWE-T-15-03