

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF QWEST CORPORATION DBA ) CASE NO. QWE-T-04-23**  
**CENTURYLINK QC, AND CENTURYLINK )**  
**COMMUNICATIONS, LLC FOR APPROVAL )**  
**OF AN AMENDMENT TO AN EXISTING )**  
**INTERCONNECTION AGREEMENT )**  
**PURSUANT TO 47 U.S.C. § 252(e) ) ORDER NO. 33564**  
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On July 13, 2016, Qwest Corporation dba CenturyLink QC, and CenturyLink Communications, LLC, jointly applied to the Commission for an Order approving an amendment to their existing Interconnection Agreement. With this Order, the Commission approves the amended 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**

In this Application, the parties ask the Commission to approve an amendment to their existing Interconnection Agreement. The Commission approved the initial Interconnection Agreement on October 6, 2004. The amendment was agreed upon through voluntary negotiations and adds terms, conditions and rates for Power Reduction, as set forth in Attachment 1 and Exhibit A of the parties’ Application.

## STAFF RECOMMENDATION

The Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the amendment is consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the foregoing amendment.

## 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 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 amendment should be approved. Approval of this Application does not negate either party's responsibility to obtain a Title 62 Certificate of Public Convenience and Necessity (pursuant to Commission Order No. 26665) 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 amended interconnection agreement of Qwest Corporation dba CenturyLink QC and CenturyLink Communications, LLC, Case No. QWE-T-04-23, 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 9<sup>th</sup>  
day of August 2016 .

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
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ERIC ANDERSON, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

O:QWE-T-04-23