

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION DBA CENTURYLINK) CASE NO. QWE-T-10-03
QC FOR APPROVAL OF AMENDMENTS TO)
ITS INTERCONNECTION AGREEMENT)
WITH NEUTRAL TANDEM – IDAHO, LLC) ORDER NO. 33749
PURSUANT TO 47 U.S.C. § 252(e))**

On April 5, 2017, Qwest Corporation dba CenturyLink QC (“CenturyLink”) filed two Application[s] for Approval of Amendment to Interconnection Agreement, which asked the Commission for an Order approving amendments to its Interconnection Agreement with Neutral Tandem – Idaho, LLC.¹

With this Order, the Commission approves the Application and 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 amendments to its Interconnection Agreement with Neutral Tandem. The Commission approved the initial

¹ For purposes of this Order, the Commission treats CenturyLink’s two filings as a single Application.

Interconnection Agreement on June 22, 2010. Order No. 32008. The Application stated that the amendments were voluntarily negotiated by the parties.

The first amendment stated that Neutral Tandem wishes to act as a Carrier Partner, a competitive local exchange carrier (CLEC) that provides the facilities and trunking that an interconnected-VoIP provider needs in order to exchange traffic with CenturyLink and demonstrates facilities readiness as described in the FCC's VoIP Numbering Order. *See* FCC Report and Order 15-70 ("VoIP Numbering Order"), released June 22, 2015.

The second amendment establishes the terms and conditions for a bill and keep arrangement for each company's traffic. It also amends the Company's name from Neutral Tandem, Inc. to Neutral Tandem – Idaho, LLC.

STAFF RECOMMENDATION

Staff reviewed the Application and believes the terms and conditions in the amendments are not discriminatory or contrary to the public interest. Staff also believes the Application and amendments 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 amendments are consistent with the public interest, convenience and necessity and do 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 CenturyLink's Application is granted. The amended Interconnection Agreement between CenturyLink and Neutral Tandem – Idaho, LLC, Case No. QWE-T-10-03, 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 24th day of April 2017.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

bls/O:QWE-T-10-03